

# Agenda

# Environmental Protection Commission

RECORD COPY  
ADM-1-17  
Oct EPC Meeting  
1994  
File Name  
Senders Initials

October 17, 1994

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

## Public Participation

Warren Bush - Contested Case Appeal - Schmitz & Frieders (Item #13)

10:30 A.M.

## Agenda topics

Appointment - Jack Soenen (Item #12)

1:00 p.m.

Appointment - Tim O'Connor (Item #14-B)

1:45 p.m.

Appointment - Bob Schuler (Item #10)

Appointment - Amy Couch (Item #12)

1. Approve Agenda
2. Approve Minutes of September 19, 1994
3. Director's Report
4. Monthly Financial Status Report
5. Section 319 Nonpoint Source Pollution Projects Contract Approval
6. Landfill Alternatives Grant Contracts Approval
7. Monthly Reports
8. Section 319 Nonpoint Source Pollution Projects
9. Notice of Intended Action--Chapter 42, Laboratory Certification
10. Proposed Rule--Chapter 22, Air Construction Permits
11. Final Rule--Chapter 22, Voluntary Operating Permits (Tabled)
12. Operating Permit Fees Review
13. Contested Case Decision Appeal--Schmitz & Frieders
14. Referrals to the Attorney General
  - a) American Demolition Corp. of Iowa (C.R.)
  - b) City of Montour
  - c) McCarty Homewoners Association (LeClaire)
  - d) Relative, Inc./Doug Smuck (Des Moines)
  - e) Amoco Oil Company (Carroll)
15. General Discussion
16. Address Items for Next Meeting

Larry Wilson (Information)

Stan Kuhn (Information)

Stan Kuhn (Decision)

Teresa Hay (Decision)

Al Stokes (Information)

Al Stokes (Information)

Al Stokes (Decision)

Al Stokes (Information)

Al Stokes (Decision)

Al Stokes (Information)

Al Stokes (Decision)

Al Stokes (Decision)

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**Appointments:**

<b>Warren Bush - Contested Case Appeal - Schmitz &amp; Frieders (Item 13)</b>	<b>1:00 pm</b>
<b>Tim O'Conner (Item 14B)</b>	<b>1:45 pm</b>
<b>Jack Soener (Item 12)</b>	
<b>Bob Schluer (Item 10)</b>	
<b>Amy Couch (Item 12)</b>	

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**NOTE: Item #11 was previously tabled**

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, October 17, 1994

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Perry Beemon	Dm Register	DM
Jack Clark	Iowa Utility Assoc.	DM
Rod Boshart	CR Gzyth	Dm
Jane McAllister	Ahlens Law Firm	DSM
Jyf Harding	GSS Inc.	Ankeny
Richard Bengtson	SELF	Jewell
STEVE BUYER	IES Int'l	Cedar Rapids
Tom Ahertson	Local-Illinois Gas & Elec. Co.	Davenport
Theresa Kehoe	Iowa Senate	DSM
Jack Soener	ABI	DSM
Amy Christensen Couch	Sullivan & Ward	DM
Mark Trapani	Iwre	Cedar Falls
Robert E. Schuler	Quantum	Clinton
Karen Horton	Iowa Hospital Association	DM
JEFF Robinson	LFB	DM
Rebecca Cole		Jewell
Mary Todd		Madrid
Isela R. Crispin		Madrid, Ia
Ann Pellegrino		Stow, Ct

ENVIRONMENTAL PROTECTION COMMISSION

Monday, October 17, 1994

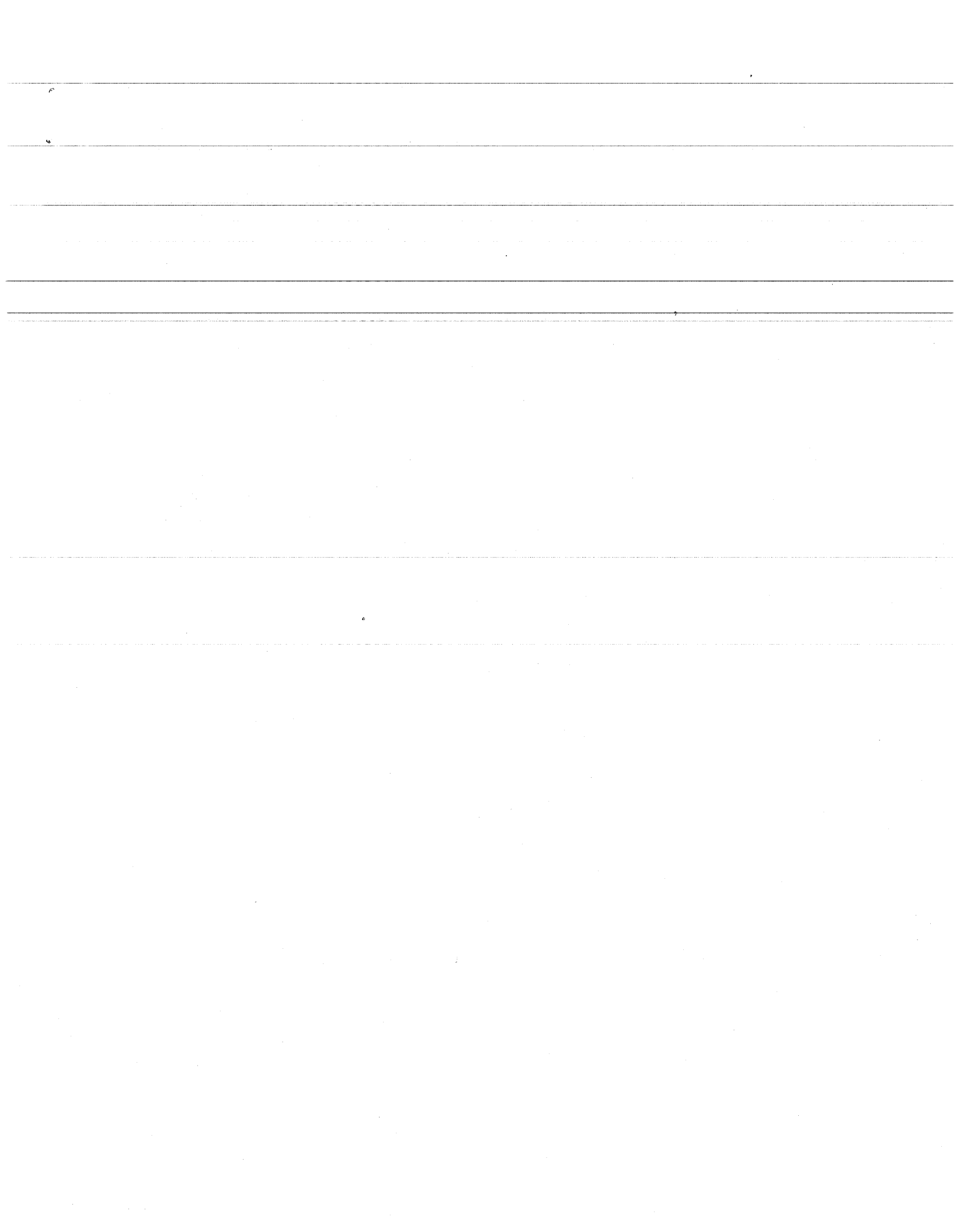
NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Scott Young	Smith Gill Fisher & Butts	Kansas City
Pam Heely	NNG	Des Moines
Linda Kadinsky	Iowa Assn of Municipal Util.	Des Moines
Rick Kelley	UHL	Des Moines
Bill Morrey	UTA	Iowa City

RECORD COPY  
File Name ADM-177 *EPC Meeting*  
*Oct. 1994*  
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**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**OCTOBER 17, 1994**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**



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**MEETING MINUTES**

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**CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairperson Siebenmann at 10:00 a.m. on Monday, October 17, 1994, in the Wallace State Office Building, Des Moines, Iowa.

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**MEMBERS PRESENT**

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Verlon Britt  
William Ehm  
Rozanne King, Secretary  
Charlotte Mohr  
Gary Priebe  
Nancylee Siebenmann, Chair  
Clark Yeager, Vice-Chair

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**MEMBERS ABSENT**

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Kathryn Murphy

Commissioner Murphy phoned to say she has a conflict and will not be able to attend the meeting.

**ADOPTION OF AGENDA**

The following adjustments were made to the agenda:

- Add: Appointment - Contested Case Appeal-Schmitz & Frieders 1:00 pm
- Add: Appointment - Tim O'Conner (Item #14b) 1:45 pm
- Add: Appointment - Bob Schuler (Item #10)
- Add: Appointment - Jack Soener (Item #12)
- Add: Appointment - Amy Couch (Item #12)

Director Wilson stated that Item #8 - Report on Section 319 Nonpoint Source Pollution Projects will be deleted; it will be presented at next month's meeting. He pointed out that Item #11 was tabled at last month's meeting and that should be noted on the agenda.

*Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by William Ehm. Motion carried unanimously.*

**APPROVED AS AMENDED**

**APPROVAL OF MINUTES**

*Motion was made by Charlotte Mohr to approve the meeting minutes of September 19, 1994, as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**DIRECTOR'S REPORT**

Director Wilson distributed two booklets from the WMA Division entitled: "Waste Oil and Filter Collection Sites" and "Buy Recycled, Iowa! - A Recycled Content Products Guide." He also displayed a "recycling education kit" which was produced with materials that are either recycled or reused. Director Wilson commended Teresa Hay and her staff for their efforts on continuing education and outreach in regard to recycling/reuse matters.

Director Wilson introduced Pat Rounds, Administrator of the UST Fund Board, and related that he is present to update the Commission on the status of the Board.

**Appointment - Pat Rounds (UST Board Update)**

Pat Rounds presented a detailed explanation of the Board's budget, funds, activities, and status. He noted that there are three portions to the fund as follows: 1) Remedial Account; 2) Insurance Account; and 3) Loan Account. The Remedial Account is to help owner/operators clean up releases that were discovered on or before October 26, 1990. The Insurance Account helps owner/operators to meet the financial responsibility requirement of the federal government. The Loan Account is designed to help owner/operators pay their portion of the cleanup costs associated with their co-payment of those costs, and helps them do the required upgrade to continue operation. Mr. Rounds presented detailed figures of the Funds' income and expenses noting that the fund brings in approximately 15.9 million dollars per year. Yearly spending exceeds the 15.9 million, therefore the Board obtains future funding by issuing bonds. To date, bonds have been issued totaling \$114,127,000. An additional \$59 million could be bonded in the future. He related that the program has approximately a \$188 million dollar capacity. Total number of current open sites being funded is 3,371. To date, the fund has spent \$40 million on assessments and site cleanup reports. Another \$34 million has been spent on corrective action costs, tank pulls, and upgrades. He explained the owner/operator's percentage of financial responsibility and the prioritization levels that went into effect in July of this year. He noted that the Board anticipates a large shortfall and the first level of prioritization allows for site cleanup reports to be paid, but when it gets to risk classification if the owner/operator is a "low risk" or a "high risk-monitor only" those costs will not be paid. Those sites will be prioritized and will wait in line to receive money in the future; high risk costs will be paid for first. Additionally, a second level of prioritization was set up for small business versus all other entities. Small business is any owner/operator that has less than three sites and less than 12 tanks, and a net worth of \$400,000 or less. These businesses would get high-risk costs paid before large businesses or government entities. Mr. Rounds noted that rules were developed

regarding prioritization and the ARC recently postponed implementation for 70 days, and may postpone them until the end of the legislative session so the legislature can review the funding and where the money is being spent.

General discussion followed.

Chairperson Siebenmann thanked Mr. Rounds for his presentation.

<b>INFORMATIONAL ONLY</b>
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## **PUBLIC PARTICIPATION**

### **Richard Bengtson (ch. 49, nonpublic wells)**

Richard Bengtson, Hamilton County farmer, addressed the Commission stating that he is questioning the validity of Chapter 49 relating to nonpublic wells. He stated that there is an illegal nonpublic well located nearby his property. Mr. Bengtson noted that Chapter 49 illustrates that nonpublic wells must be 1,000 feet from lagoons, and the wells he is protesting are not that far from lagoons. He related that his County Board of Supervisors told him, according to directions from DNR, these wells do not have to be 1,000 feet from lagoons.

Director Wilson stated that Chapter 49 is still in effect for the 1,000 foot separation.

Mr. Bengtson stated that there is a mix-up because Chapter 43 states a 400 foot distance for public wells.

Director Wilson stated that he will have staff visit with Mr. Bengtson before he leaves the office, and staff can answer any questions Mr. Bengtson's may have.

### **Jack Clark (air operating permit fees)**

Jack Clark, Iowa Utilities Association, presented the following written statement:

"Good Morning. The Environmental Protection Commission was most generous in granting me an appointment in September and in placing Item 12, Review Operating Permit Fees, on its October agenda in response to the utility industry's request.

The attached minutes of the September meeting provide a concise and accurate summary of my comments, so I will keep my comments brief this morning.

Item 12 appears on the Commission's agenda as an information item. I hope you will choose to make it a decision item.

The Iowa Utility Association requests you:

- 1) To determine the reasonable cost of administering the operating permit program in view of the lower level of staffing being implemented and select the option to impose a temporary cap of \$100,000 per facility on fees to be collected on November 15, 1994. Such an action by the Commission should not require a change in the administrative rules and should not jeopardize EPA's delegation of the Title V Permit Program.
- 2) To discuss at a future Commission meeting the equity of the permit fee allocation and to determine prior to May 15, 1995 if additional funds above the \$100,000 per facility fee collected in November is required to meet the FY 95 expenditures.

We do not support proposals which may be presented to you today seeking a further across-the-board reduction before the Commission addresses the issue of fee equity. The Commission made an across-the-board reduction in February from \$29.36 per ton to \$24.00 per ton. The Commission should assure that all regulated parties are supporting their fair share of all aspects of the Title V Operating Permit Program, the Small Business Technical Advisory Center, and the Small Business Ombudsman. Our customers are keenly aware of our costs in providing electric utility services and they should not be asked to subsidize the costs of the Department of Natural Resources regulation of other entities subject to the Title V Operating Permit Program by inflating the cost of their electric utility service.

The issue is complex. The majority of the regulated parties is supportive of the department ramping up to efficiently and effectively to receive delegation and to operate the Title V Permit Program. However, even with statutory limitations on the use of such funds, there are strong concerns about collecting more funds than are required for an effective program. The responsibility of establishing the fee and providing oversight of the budget rest clearly on this commission. The uncertainty of EPA action puts additional pressure on your decision. We believe we have offered you a conservative and workable solution--limiting the collections in November by placing a temporary cap on each facility, but retaining the right to collect the balance if staff demonstrates the funds are needed.

This option allows the Commission until April to make a comprehensive review of the equity of the fee allocation and to establish a fair and equitable fee schedule. We ask your support of our proposal."

#### **Ann Pellegrino (feedlot operations)**

Ann Pellegrino, Story County rural resident, circulated aerial photos depicting the lagoons on Randall Road (Iowa Select Farms). She related that these lagoons are supposed to be two feet above the water table and there is already water in them. She expressed concern that if the water table fluctuates, the lagoons which have no liner will infiltrate their drinking water. She described another site near Randall where they will install pits under the buildings rather than lagoons. She pointed out a nearby stream in one of the photos and expressed concern that runoff could go into the Skunk River and all the way to the Mississippi River. Additionally, she noted

that a neighbor had to close her windows 75% of the days between August 2 and September 20 because of the terrible odor.

Chairperson Siebenmann commented that there are a couple of task forces working on this issue.

Ms. Pellegrino stated that she and others formed their own citizens task force as they felt that the Governor's task force was too heavily loaded and should have been better balanced with groups such as county supervisors, Sierra Club, Prairie Fire, etc.

### **Rebecca Cole (feedlot operations)**

Rebecca Cole, Jewell, Iowa, also spoke in regard to the hog confinement relating that because of the odor her windows had to be closed 90% of the time from August 3 to September 20. She noted that her family could not sit at their own kitchen table and eat meals because of the stench. She circulated photos showing areas where water flows into the lagoons and related that she does not understand how they can pass permeability tests set by DNR. She added that there is no on-site inspection or monitoring by DNR, and the lagoons should be checked close because it is the nearby residents water that is being contaminated. Ms. Cole stated that surface intakes tile to a creek which is a tributary to the Skunk River, adding that when manure is spread in the spring it will wash off and drain down into the creek. She related that an EIS needs to be done prior to building these facilities.

### **Mary Todd (ISU swine research farm)**

Mary Todd, Boone/Polk County Big Creek Environmental Protection Group, expressed concerns with the proposed USDA/ARS/ISU National Swine Research Center noting that it will be a big cost to taxpayers. She related that the area is highly erodible and contains artesian wells adding that she uses her artesian well and is concerned about pollution to the watershed and Big Creek Lake.

She stated that there is a 125 year old church directly across from the proposed research farm and a local park is adjacent to the farm. Ms. Todd expressed residents concern with their children and grandchildren being exposed to toxic gases and bacteria from the research facility. She related that she is not opposed to the research farm but feels ISU could have chosen a better location.

Chairperson Siebenmann asked Ms. Todd if she has taken her concerns to the USDA.

Ms. Todd stated that the group has communicated with Larry Hatfield-USDA, Neal Smith, Tom Harkin, Charles Grassley, and Jim Ross Lightfoot.

### **FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

The staff will present a status report relative to FY95 division level expenditure status as compared to budget as of 9/30/94.

### DIRECTOR'S OFFICE

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 9/30/94	YTD Actual 9/30/94	Under (Over)
PERS SERV	941,578	970,715	262,093	254,082	8,011
PERS TRV IN	36,778	53,100	9,027	11,511	(2,484)
STATE VEHICL	4,347	7,931	1,983	1,064	919
DEPRECIATION	7,755	12,640	3,160	1,965	1,195
PERS TRV OUT	8,273	9,500	1,615	1,510	105
OFF SUPPLY	75,525	104,076	17,693	11,116	6,577
FAC MAINT SU	1,028	6,000	1,020	3	1,017
EQUIP MAINT	3,540	6,850	1,165	142	1,023
OTHER SUPPLY	39,327	65,899	11,203	34,955	(23,752)
PRINT & BIND	299,648	293,510	49,897	10,551	39,346
UNIFORMS	306	2,150	366	26	340
COMMUNICATIO	22,957	26,900	4,573	3,556	1,017
RENTALS	1,287	1,500	255	456	(201)
UTILITIES	218	750	128	20	108
PROF SERV	89,165	70,568	7,057	15,654	(8,597)
OUTSIDE SERV	25,614	28,550	4,854	1,498	3,356
ADVER PUB	0	6,000	1,020	0	1,020
DATA PROC	13,979	14,050	2,389	1,239	1,150
REIMBURSEMENT	2,060	6,175	1,050	91	959
EQUIPMENT	34,828	30,724	7,681	14,622	(6,941)
OTHER EXP	100	2,600	442	0	442
	1,608,313	1,720,188	388,667	364,061	24,606

Notes: Overage in Other Supplies relates to items for Aquatic Education program. Professional Services overage involves presentations for Education Workshops. Equipment overage involves purchase of DP equipment early in the fiscal year.

### ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 9/30/94	YTD Actual 9/30/94	Under (Over)
PERS SERV	3,544,312	3,598,211	971,517	947,174	24,343
PERS TRV IN	36,797	48,050	8,169	5,490	2,679
STATE VEHICL	48,733	57,000	14,250	11,713	2,537
DEPRECIATION	145,319	80,500	20,125	16,705	3,420
PERS TRV OUT	4,784	7,300	1,241	6,226	(4,985)
OFF SUPPLY	314,207	315,255	53,593	72,800	(19,207)
FAC MAINT SU	2,091	21,000	3,570	173	3,397
EQUIP MAINT	45,040	52,000	8,840	4,443	4,397
OTHER SUPPLY	8,005	14,300	2,431	297	2,134
PRINT & BIND	21,116	14,500	2,465	2,977	(512)
UNIFORMS	2,460	2,500	425	322	103
COMMUNICATIO	98,778	97,100	16,507	12,117	4,390
RENTALS	503	500	85	0	85
UTILITIES	527	0	0	128	(128)
PROF SERV	62,018	40,000	4,000	9,728	(5,728)
OUTSIDE SERV	28,369	73,650	12,521	4,886	7,635
ADVER PUB	0	500	85	0	85
DATA PROC	188,477	97,000	16,490	68,851	(52,361)
AUDITOR REIM	163,645	160,000	16,000	0	16,000
REIMBURSEMENT	183,548	117,150	19,916	381	19,535
EQUIPMENT	173,698	158,508	39,627	28,728	10,899
OTHER EXP	383,632	165,320	28,104	0	28,104
LICENSES	0	50	9	0	9
	5,456,059	5,120,394	1,239,969	1,193,139	46,830

Notes: Overage in out of state travel involves training for specialized software not available in-state. The apparent overages in Office Supplies and Data Processing primarily result from being behind schedule in distribution postage and central data processing charges to various programs.

**PARKS, PRESERVES AND RECREATION DIVISION**

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 9/30/94	YTD Actual 9/30/94	Under (Over)
PERS SERV	4,378,069	4,475,451	1,208,372	1,198,612	9,760
SEASONAL HELP	1,278,892	1,345,012	739,757	861,787	(122,030)
PERS TRV IN	72,376	57,274	9,737	8,865	872
STATE VEHICL	212,137	204,800	51,200	62,699	(11,499)
DEPRECIATION	304,490	296,900	74,225	77,020	(2,795)
PERS TRV OUT	4,998	7,585	1,289	0	1,289
OFF SUPPLY	33,046	35,700	6,069	13,025	(6,956)
FAC MAINT SU	500,824	479,500	81,515	106,340	(24,825)
EQUIP MAINT	400,521	286,749	48,747	78,736	(29,989)
AG CONS SUPP	67,853	26,792	4,555	4,148	407
OTHER SUPPLY	39,315	36,194	6,153	7,708	(1,555)
PRINT & BIND	54,853	24,000	4,080	444	3,636
UNIFORMS	31,530	31,577	5,368	9,059	(3,691)
COMMUNICATIO	98,313	98,002	16,660	17,893	(1,233)
RENTALS	37,023	34,900	5,933	10,161	(4,228)
UTILITIES	432,202	401,951	68,332	82,177	(13,845)
PROF SERV	97,181	62,408	6,241	0	6,241
OUTSIDE SERV	221,882	179,852	30,575	45,218	(14,643)
ADVER PUB	1,070	1,050	179	0	179
DATA PROC	4,555	5,000	850	0	850
REIMBURSEMENT	7,084	2,425	412	1,086	(674)
EQUIPMENT	203,645	202,000	50,500	41,570	8,930
OTHER EXP	776	4,700	799	0	799
LICENSES	512	697	118	0	118
	8,483,147	8,300,519	2,421,665	2,626,548	(204,883)

Note: A portion of the apparent overage is due to normal seasonal variation in park usage and associated workload. Staff is reviewing the budget to determine other factors which may be involved in the apparent overages.

**FORESTS AND FORESTRY DIVISION**

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 9/30/94	YTD Actual 9/30/94	Under (Over)
PERS SERV	1,700,668	1,762,827	475,963	456,723	19,240
SEASONAL HELP	93,663	110,874	60,981	23,181	37,800
PERS TRV IN	34,236	43,500	7,395	7,060	335
STATE VEHICL	68,031	91,000	22,750	16,631	6,119
DEPRECIATION	133,145	139,700	34,925	33,780	1,145
PERS TRV OUT	7,996	9,300	1,581	3,758	(2,177)
OFF SUPPLY	16,770	20,300	3,451	2,375	1,076
FAC MAINT SU	50,454	44,000	7,480	7,795	(315)
EQUIP MAINT	59,574	57,000	9,690	9,877	(187)
AG CONS SUPP	130,342	144,000	24,480	7,687	16,793
OTHER SUPPLY	39,763	39,900	6,783	2,929	3,854
PRINT & BIND	5,909	15,500	2,635	868	1,767
UNIFORMS	8,066	15,600	2,652	2,030	622
COMMUNICATIO	31,170	43,669	7,424	5,703	1,721
RENTALS	34,925	36,000	6,120	679	5,441
UTILITIES	28,690	37,000	6,290	2,178	4,112
PROF SERV	0	500	50	0	50
OUTSIDE SERV	59,777	68,500	11,645	3,502	8,143
ADVER PUB	406	2,000	340	0	340
DATA PROC	19,776	3,300	561	0	561
REIMBURSEMENT	918	550	94	0	94
EQUIPMENT	74,077	115,931	28,983	20,247	8,736
	2,598,356	2,800,951	722,272	607,003	115,269

## ENERGY &amp; GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 9/30/94	YTD Actual 9/30/94	Under (Over)
PERS SERV	2,254,092	2,396,255	646,989	600,628	46,361
PERS TRV IN	20,252	39,893	6,782	4,147	2,635
STATE VEHICL	12,298	19,000	4,750	2,061	2,689
DEPRECIATION	25,560	30,500	7,625	6,090	1,535
PERS TRV OUT	41,042	66,696	11,338	11,151	187
OFF SUPPLY	30,407	34,560	5,875	6,714	(839)
FAC MAINT SU	2,284	1,700	289	0	289
EQUIP MAINT	3,212	8,350	1,420	603	817
PROF SUPPLY	977	5,121	871	92	779
OTHER SUPPLY	21,530	36,953	6,282	4,037	2,245
PRINT & BIND	31,317	49,700	8,449	2,759	5,690
UNIFORMS	0	1,000	170	0	170
COMMUNICATIO	40,457	45,850	7,795	6,423	1,372
RENTALS	2,194	500	85	1,673	(1,588)
UTILITIES	19,980	18,400	3,128	2,216	912
PROF SERV	767,256	1,352,826	135,283	27,741	107,542
OUTSIDE SERV	21,166	75,677	12,865	11,839	1,026
ADVER PUB	460	0	0	66	(66)
DATA PROC	13,584	22,900	3,893	528	3,365
REIMBURSEMENT	5,306	7,330	1,246	69	1,177
EQUIPMENT	94,217	105,945	26,486	19,795	6,691
OTHER EXP	4,639	25,409	4,320	0	4,320
	3,412,230	4,344,565	895,939	708,632	187,307

## ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 9/30/94	YTD Actual 9/30/94	Under (Over)
PERS SERV	7,539,956	8,584,860	2,317,912	2,037,198	280,714
PERS TRV IN	52,321	143,000	24,310	8,157	16,153
STATE VEHICL	38,614	48,500	12,125	11,116	1,009
DEPRECIATION	62,205	70,500	17,625	15,590	2,035
PERS TRV OUT	68,533	165,114	28,069	11,874	16,195
OFF SUPPLY	75,264	110,469	18,780	4,504	14,276
FAC MAINT SU	989	8,600	1,462	106	1,356
EQUIP MAINT	14,440	17,000	2,890	488	2,402
PROF SUPPLY	0	1,350	230	0	230
OTHER SUPPLY	21,959	44,050	7,489	4,035	3,454
PRINT & BIND	58,487	82,050	13,949	22,603	(8,655)
UNIFORMS	1,992	4,500	765	572	193
COMMUNICATIO	150,998	162,600	27,642	26,527	1,115
RENTALS	65,589	66,500	11,305	15,693	(4,388)
UTILITIES	17,622	24,811	4,218	2,556	1,662
PROF SERV	1,441,690	5,067,139	506,714	143,341	363,373
OUTSIDE SERV	84,580	71,080	12,084	10,284	1,800
INTRA TRANSF	0	404,000	68,680	0	68,680
ADVER PUB	6,536	10,600	1,802	573	1,229
DATA PROC	165,651	239,206	40,665	0	40,665
REIMBURSEMENT	23,854	45,650	7,761	623	7,138
EQUIPMENT	323,387	2,772,339	693,085	26,872	666,213
OTHER EXP	8,650	23,250	3,953	0	3,953
	10,223,317	18,167,168	3,823,512	2,342,712	1,480,800

Note: The division will be under budget, particularly early in the fiscal year. The expansion of the Air and Water programs assumes full staffing throughout the year, but realistically most staff will appear on the payroll toward the end of the second quarter.



## FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 9/30/94	YTD Actual 9/30/94	Under (Over)
PERS SERV	11,725,190	11,802,780	3,186,751	3,177,849	8,902
SEASONAL HELP	621,243	781,508	429,829	321,886	107,943
PERS TRV IN	345,439	351,280	59,718	63,907	(4,189)
STATE VEHICL	505,451	497,386	124,347	130,116	(5,770)
DEPRECIATION	678,010	754,723	188,681	174,605	14,076
PERS TRV OUT	30,179	40,400	6,868	11,390	(4,522)
OFF SUPPLY	329,984	334,118	56,800	37,873	18,927
FAC MAINT SU	401,632	491,580	83,569	50,285	33,284
EQUIP MAINT	361,965	350,436	59,574	101,996	(42,422)
AG CONS SUPP	294,457	382,075	64,953	48,449	16,504
OTHER SUPPLY	152,016	105,707	17,970	40,237	(22,267)
PRINT & BIND	157,197	224,375	38,144	16,385	21,759
UNIFORMS	106,426	134,675	22,895	23,749	(854)
COMMUNICATIO	236,569	207,200	35,224	48,735	(13,511)
RENTALS	56,926	73,535	12,501	7,729	4,772
UTILITIES	212,848	226,116	38,440	33,826	4,614
PROF SERV	134,334	411,009	41,101	53,161	(12,060)
OUTSIDE SERV	207,047	162,812	27,678	32,098	(4,420)
ADVER PUB	2,024	2,600	442	81	361
DATA PROC	69,538	54,000	9,180	0	9,180
REIMBURSEMENT	68,912	68,450	11,637	0	11,637
EQUIPMENT	439,667	1,258,954	314,739	115,779	198,960
OTHER EXP	1,897	600	102	321	(219)
LICENSES	46	300	51	0	51
	17,138,997	18,716,619	4,831,191	4,490,457	340,734

Note: The apparent budget overages are primarily the result of normal seasonal variation in workload.

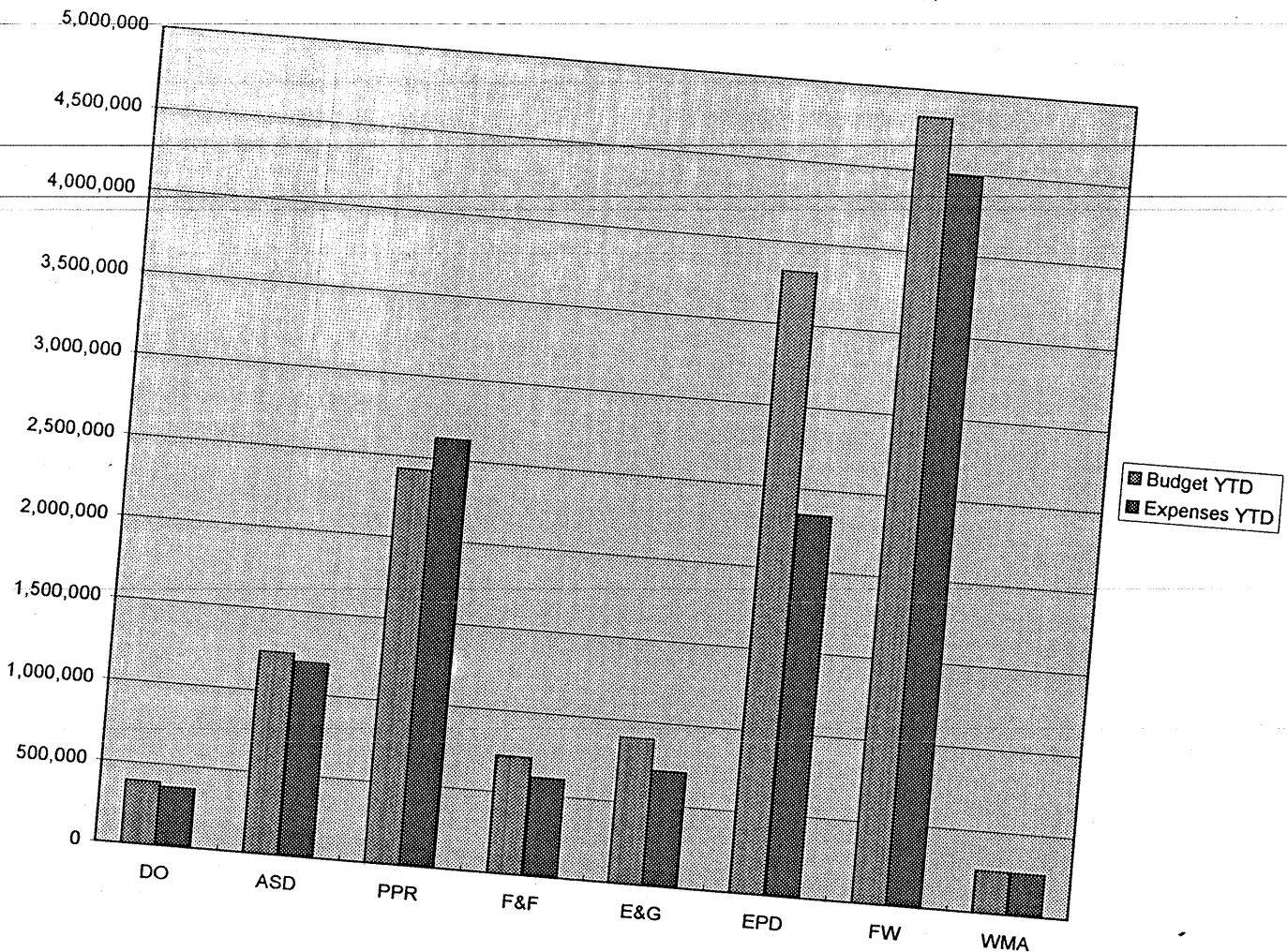
## WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 9/30/94	YTD Actual 9/30/94	Under (Over)
PERS SERV	710,567	750,557	202,650	207,110	(4,460)
PERS TRV IN	27,240	34,300	5,831	5,788	43
PERS TRV OUT	22,096	47,200	8,024	5,059	2,965
OFF SUPPLY	6,849	26,200	4,454	850	3,604
EQUIP MAINT	0	3,150	536	50	486
OTHER SUPPLY	7,665	5,585	949	572	377
PRINT & BIND	31,417	51,324	8,725	13,140	(4,415)
UNIFORMS	0	100	17	0	17
COMMUNICATIO	14,989	17,500	2,975	2,475	500
RENTALS	889	1,550	264	250	14
PROF SERV	66,367	118,411	11,841	16,249	(4,408)
OUTSIDE SERV	9,218	14,300	2,431	213	2,218
ADVER PUB	1,614	2,600	442	0	442
DATA PROC	7,270	7,600	1,292	0	1,292
REIMBURSEMENT	16,575	23,100	3,927	160	3,767
EQUIPMENT	0	15,700	3,925	7,863	(3,938)
OTHER EXP	4,639	5,700	969	0	969
	927,395	1,124,877	259,252	259,779	(527)

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- DIVISION EXPENDITURE STATUS, SEPT. 30, 1994



Brief discussion followed.

INFORMATIONAL ONLY

### SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECTS CONTRACT APPROVAL

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

The Commission is requested to approve the following six contracts. The first five contracts are with the Division of Soil Conservation, Iowa Department of Agriculture and Land Stewardship, and the last is with the Iowa State University Extension Service. All contracts are for implementation of nonpoint source pollution control projects and will be written for the period through September 30, 1995. Contract start dates will depend upon when individual contracts are

finalized. All contracts will be funded using EPA Section 319 nonpoint pollution control funds awarded to the Department for these projects.

**Lake Protection and Improvement Projects:**

- Clear Lake Enhancement and Restoration (CLEAR) Project, Cerro Gordo and Hancock Counties, \$111,019 (first year of a three year period).
- Ingham/High Lake Complex Water Quality Project, Emmet County, \$106,940 (first year of a three year project).
- Water Quality Project for Lake Ellis, Lake Morris and Red Haw Lake, Lucas County, \$83,451 (first year of a four year project).

The contracts will support activities to protect and improve the water quality of the above mentioned lakes. Protection of the lakes from nonpoint source pollution such as urban runoff and agricultural activities will be accomplished by reducing soil erosion of cropland, improved management of commercial fertilizers and chemicals, and proper management of animal waste in the lake watersheds. Contract funds will be used to support project coordinators or other project staff and to provide financial incentives for Best Management Practices including: nutrient and pest management programs, conservation tillage, vegetative filter strips, animal waste containment structures, grassed waterways, field windbreaks, field borders, wetland restoration, sediment basins, contour farming, pasture and hayland management, critical area plantings and timberland improvement.

**Bigalk Creek Water Quality Project, Howard County, \$33,295**

This contract will support the first year activities of a three year project to protect and improve the water quality of Bigalk Creek and to enhance the use of this trout stream as a fish, wildlife and recreational resource. This will be accomplished by implementing a variety of Best Management Practices (BMPs) such as: water and sediment control basins, grade stabilization structures, terraces, contouring, contour strip cropping, no till, and manure management systems to reduce sedimentation from soil erosion of cropland and nutrient loading from commercial fertilizer and animal waste. Funds will support a staff position in the Howard County SWDC to conduct the project.

**Demonstration and Evaluation of BMPs in Southern Iowa Pastures along Riparian Areas on Warm-Water Streams, South Central Iowa SWCD's, \$50,298**

The contract will support the first year activities of a four year project to evaluate and demonstrate the water quality and economic benefits of combining restricted grazing of stream corridors by cow-calf operations with improved forage and herd management practices. The project will be conducted on multiple farm sites in south-central Iowa, and will include extensive demonstration and public information programs. BMPs implemented on cooperating farms may include: restricting livestock access to the stream corridor with fencing; improving forage

management and water supplies; and cross-fencing pastures for optimum forage utilization. Funds will be used to support a part-time project coordinator. Funding for other aspects of the project is being provided through the Division of Soil Conservation.

**Demonstration and Education Program to promote Sustainable Crop/Livestock Systems, Story County, \$67,815**

The contract will support second year activities of a two year project for which the Iowa Pork Producers Association (IPPA) provided first year funding. The primary focus of this project is to develop a program which makes information and training on manure management planning available on a county level. This will be accomplished by developing uniform procedures for developing manure management plans as well as the forms, reference materials, and other information needed to develop such plans. The program will cover all livestock species commonly grown in the state, and will consider such factors as manure storage and treatment systems, prevention of surface and groundwater pollution, and nutrient requirements of growing crops. Additionally, the project will utilize the ISU swine research farm and water quality monitoring results from that facility in an educational program designed to inform and educate livestock producers and the general public on manure management BMPs applicable to all livestock production systems in the state. Funds will support an Extension Associate staff position and other expenses related to the project.

Mr. Slatterly briefly explained the project contracts.

*Motion was made by William Ehm to approve the Section 319 Nonpoint Source Pollution Projects Contracts as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

Director Wilson suggested the Commission take a look at some of the actual projects sometime in the future noting that the the Three Mile watershed near Afton or the Maquoketa watershed in Jackson County would be good examples.

**APPROVED AS PRESENTED**

**LANDFILL ALTERNATIVES GRANT CONTRACTS APPROVAL**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Fourteen (14) grant applications were selected for funding from the round of fifty-six (56) applications submitted the first Monday in June, 1994. At this time, thirteen (13) contracts are presented to the Commission for approval. The remaining grant award is for less than \$25,000. Total grant award for recommended projects is \$2,001,543.

**CITY of DAVENPORT**

**Project description.** The Contractor will implement a program for weekly collection of recyclables. Recyclables collection will be separate from but will occur the same day as refuse collection. The Contractor will perform a curbside sort of two categories, mixed recyclables and bundled paper. Collected recyclables will be transported daily to the Materials Recovery Facility operated by the Scott Area Solid Waste Management Commission for processing and marketing.

**BUDGET**

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Recycling Trucks	\$ 248,000	\$ 248,000	\$ 496,000
Curbside Recycling Bins	50,000	50,750	100,750
Public Education Program	2,000	28,000	30,000
<b>TOTAL</b>	<b>\$ 300,000</b>	<b>\$ 326,750</b>	<b>\$ 626,750</b>

**SCOTT AREA SOLID WASTE MANAGEMENT COMMISSION**

**Project description.** The Contractor will construct and equip a recyclable materials recovery facility and accept recyclable materials from the Project Area. These materials will be processed and marketed. The Contractor will attempt to recycle materials received that are not considered traditional recyclables (i.e. mixed waste glass).

**BUDGET**

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment and installation	\$ 100,000	\$ 700,000	\$800,000
Building construction	200,000	280,000	480,000
Public Education	0	65,000	65,000

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TOTALS	\$ 300,000	\$ 1,045,000	\$ 1,345,000
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Equipment to be purchased:

infeed conveyor  
sorting conveyor and platform  
electrical panel  
magnet

baler  
crusher  
trommel  
fork lifts

HY-LINE INTERNATIONAL

**Project description.** The Contractor will install a dry extrusion system that will enable the facility's organic waste to be processed on-site and re-fed to the poultry breeding stock. The process includes grinding, blending, cooking, and drying of organic material.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment	\$ 295,000	\$ 32,833	\$ 327,833
Building Addition	0	189,783	189,783
Testing	5,000	5,000	10,000
Education	0	55,000	55,000
Labor	0	52,800	52,800
TOTALS	\$ 300,000	\$ 335,416	\$ 635,416

Equipment to be purchased:

Grinder  
Extruder  
Volumetric feeder  
Thermal dryer  
Cooler  
Surge bin/hopper  
Stainless steel auger

Auger from mixer  
Mixer  
Hammer mill  
Vacuum system  
Elevator for spent fowl  
Conveying and storage equipment

RATHBUN AREA SOLID WASTE MANAGEMENT COMMISSION

**Project description.** The Contractor will construct improvements to the existing recycling center and purchase additional processing equipment and collection trailers in order to collect, process, and market additional recyclables materials recovered from the Project Area. The Contractor will implement a comprehensive education program targeting schools, business and industry.

### BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment	\$ 54,000	\$ 6,000	\$60,000
Building	6,400	1,600	8,000
Wages	21,000	75,000	96,000
Recycling Trailer	36,000	4,000	40,000
County Collection Sites and Storage	0	35,000	35,000
TOTAL	\$ 117,400	\$ 121,600	\$ 239,000

Equipment to be purchased:

Baler  
Grinder

### SPECTRUM INDUSTRIES

**Project description.** The Contractor will provide recyclables collection targeting the housing sites of low income, elderly and handicapped residing within the county and schools located within the county. The Contractor will implement a comprehensive project awareness and education for targeted participants.

### BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment	\$ 11,655	\$ 1,295	\$12,950
Recycling Vehicle	11,835	1,315	13,150

Recycling Vehicle Modifications	7,200	800	8,000
Semi-trailer	0	2,500	2,500
Collection bins	0	1,000	1,000
Wages	0	13,483	13,483
Mileage	0	2,500	2,500
Operating Expenses	0	8,790	8,790
TOTAL	\$ 30,690	\$ 31,683	\$ 62,373

Equipment to be purchased: Baler

### RECYCLED PLASTICS INDUSTRIES, INC.

**Project description.** The Contractor will construct and operate a facility for the manufacture of products with recycled plastic. Labor for assembling products will be contracted out to Iowa facilities.

### BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment	\$ 150,000	\$ 115,000	\$ 265,000
Site Preparation and Building	0	260,000	260,000
TOTAL	\$ 150,000	\$ 375,000	\$ 525,000

Equipment to be purchased:

Continuous Flow Extruder and Cooling Table  
Differential Pressure Calibrator  
Water Tanks  
Forklift, Conveyor, Bins, and Storage Rack

Saw  
Puller  
Electronic Controls  
Tooling



**ADVANCED TOOLS AND PLASTICS ENGINEERING, INC.**

**Project description.** The Contractor will install and operate two (2) additional manufacturing lines for the manufacture of recycled plastic products. Products to be manufactured include the Handi-Rack, the Vial-Rack and the Tool-Rack. Recycled plastic will be purchased from the State of Iowa.

**BUDGET**

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Tooling	\$ 81,000	\$ 9,000	\$ 90,000
Injection Molding Machine	0	95,000	95,000
TOTAL	\$ 81,000	\$ 104,000	\$ 185,000

**HOWARD COUNTY DEPARTMENT OF WASTE MANAGEMENT**

**Project description.** The Contractor will construct a building for the storage of processed recycled materials and purchase additional processing equipment in order to process increasing recyclables safely and efficiently. The Contractor will begin targeting recyclable materials generated in the commercial sector for collection, processing and marketing.

**BUDGET**

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment	\$ 125,640	\$ 13,962	\$ 139,602
Building	20,574	5,144	25,718
Existing Building	0	300,000	300,000
TOTAL	\$ 146,214	\$ 319,106	\$ 465,320

Equipment to be purchased:  
Horizontal baler  
Paper shredder

Unloading hopper with sorting conveyor  
Fork lift

John Deere baler (animal bedding)  
Gaylord tipper (2)

Unloading containers (5)  
Glass crusher

### STEVE CITY SANITATION, INC.

**Project description.** The Contractor will purchase equipment to allow expanded collection, processing, and marketing of increased volumes of recyclable materials.

### BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment	\$ 154,539	\$ 17,171	\$ 171,710
Wages	0	91,187	91,187
Existing building, assists, and equipment	0	353,791	353,791
TOTAL	\$ 154,539	\$ 462,149	\$ 616,688

Equipment to be purchased:  
horizontal baler with fluffer  
conveyor

### STUHR ENTERPRISES, INC.

**Project description.** The Contractor will install and operate a furnace for the combustion of waste wood. The resulting energy will be recovered and used to heat the Contractor's facility during the heating season. The Contractor will accept other industries waste wood as appropriate and as needed to supplement the waste wood generated by the Contractor.

### BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment	\$ 46,888	\$ 50,333	\$ 97,221
Building and land	0	21,424	21,424

<b>TOTAL</b>	<b>\$ 46,888</b>	<b>\$ 71,757</b>	<b>\$ 118,645</b>

Equipment to be purchased:  
BioMaster Heat Exchanger Furnace

### **BUENA VISTA COUNTY SOLID WASTE COMMISSION**

**Project description.** The Contractor will expand the existing transfer station to more efficiently and effectively handle additional recyclables and compostables from a larger service area and improve composting operations.

#### **BUDGET**

<b>ITEM</b>	<b>DNR GRANT</b>	<b>COST SHARE</b>	<b>TOTAL COST</b>
Equipment	\$ 16,830	\$ 1,870	\$ 18,700
Existing Equipment	0	126,224	126,224
Building	74,000	18,500	92,500
<b>TOTAL</b>	<b>\$ 90,830</b>	<b>\$ 146,594</b>	<b>\$ 237,424</b>

Equipment to be purchased:  
Conveyors (2)  
Loader

### **DELAWARE COUNTY SOLID WASTE DISPOSAL COMMISSION**

**Project description.** The Contractor will construct a building for storage of processed recycled materials and purchase additional equipment in order to process increasing amounts of recyclables safely and efficiently. The Contractor will investigate methods to increase recycling in the commercial and industrial sectors.

#### **BUDGET**

<b>ITEM</b>	<b>DNR GRANT</b>	<b>COST SHARE</b>	<b>TOTAL COST</b>
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Equipment	\$ 32,310	\$ 3,590	\$ 35,900
Building	120,000	30,000	150,000
Semi-trailer	2,700	300	3,000
Operations and Staffing	0	153,340	153,340
TOTAL	\$ 155,010	\$ 187,230	\$ 342,240

Equipment to be purchased:

Conveyor (2)  
Shredder/baler dust hood  
Baler recirculation fan  
Sorting table

Shredder table (2)  
Rotating head for forklift  
Garbage dumpsters (3)

### IOWA GOLD DISTRIBUTING COMPANY

**Project description.** The Contractor will expand its operating capacity and purchase additional equipment in order to recover additional oil filters and reclaim waste oil for recycling.

### BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment	\$ 123,972	\$ 43,972	\$ 167,944
Building Addition	0	100,000	100,000
Vehicle	0	41,000	41,000
TOTAL	\$ 123,972	\$ 184,972	\$ 308,944

Equipment to be purchased:

Crushing machine  
Conveyor  
Forklift  
Oil containment system

Ms. Hay reviewed the grant contracts and noted that this is the last round of grants awarded under the old Landfill Alternatives Grant program.

A lengthy discussion took place in regard to grants being awarded and publicized prior to the Commission giving approval. Also discussed was the time frame between awarding the grants and approval by the Commission.

Ms. Hay noted that the department selects the grant recipients and the Commission approves the actual contracts. She pointed out that a grant can be modified if the Commission has concerns with it.

Director Wilson commented that he could notify the Commission by letter when grants are selected adding that the announcement to the Commission and granting of the awards should be done simultaneously.

Ms. Hay explained that sometimes a grant recipient will have other decisions pending on whether or not they receive a grant and they need to know as soon as possible that they are receiving one. Additionally, staff cannot prepare all of the contracts within a month's time.

Chairperson Siebenmann stated that the wish of the Commission is to have the announcement at the same time the grant is awarded.

*Motion was made by William Ehm to approve the thirteen Landfill Alternatives Grant Contracts as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **MONTHLY REPORTS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
October 1, 1994

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 31 - AQ General Conformity in Nonattainment Areas	9/19/94	10/12/94	*11/08/94	*11/14/94	*12/19/94	*12/19/94	*1/18/95	*2/14/95	*2/22/95
2. Ch. 22 - Voluntary Permits - Air Quality	3/21/94	4/13/94	5/11/94	5/24/94 5/25/94 5/26/94	10/17/94	*10/17/94	*11/09/94	*12/13/94	*12/14/94
3. Ch. 22 - Air Quality Construction Permits	*11/21/94	*12/21/94	*1/19/95	*1/ /95	*2/20/95	*2/20/95	*3/15/95	*4/10/95	*4/12/95
4. Ch. 23 - Open Burning	6/20/94	7/20/94	8/09/94	*8/22/94	*11/21/94	*11/21/94	*12/21/94	*1/19/95	*1/25/95
5. Ch. 40, 43 - Water Supply Permit Fees	9/19/94	*10/12/94	*11/08/94	*11/ /94	*12/19/94	*12/19/94	*1/18/95	*2/14/95	*2/22/95
6. Ch. 42 - Laboratory Certifications	10/17/94	*11/09/94	*12/13/94	*12/ /95	*1/23/95	*1/23/95	*2/15/94	*3/14/95	*3/22/95

\* Projected

MONTHLY VARIANCE REPORT						
Month: September, 1994						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Kalona	Wastewater Construction	Garden & Associates	Pond Influent Piping	Denied	09/28/94
2.	City of Kalona	Wastewater	Garden & Associates	Inlet Discharge Depression	Denied	09/28/94
3.	City of Kalona	Wastewater Construction	Garden & Associates	Influent Line Termination	Denied	09/28/94
4.	Ottumwa - Midland Commercial Landfill	Solid Waste	John Cummings, P.E.	Coal Combustion Residue	Approved	09/23/94
5.	City of Pierson	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	09/08/94
6.	Mitchell County Historical Museum	Watersupply Construction	TeKippe Engineering	Siting Criteria	Approved	09/21/94

#### Report of Hazardous Conditions

During the period September 1, 1994, through September 30, 1994, reports of 42 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
09/15/94 Hamilton	A mechanic working on a semi truck noticed a strange odor and became ill. The truck was transporting empty cylinders of methyl bromide. The truck was located at a truckstop in Williams.	Yellow Freight Systems PO Box 7270 Overland Park, KS	Local officials isolated the site until a hazmat contractor responded. The contractor completely closed the valves on the cylinder. The IDOT also investigated the incident.
09/23/94 Monona	An O-ring cracked on an anhydrous ammonia pipeline, releasing 432 pounds of ammonia to the atmosphere. The release originated in Decatur, NE. No injuries were reported.	Mid-America Pipeline 1800 South Baltimore Tulsa, Oklahoma	The system was isolated and shut down for repair of the line. The release occurred in a rural area that was not impacted by the release.

Substance						Mode				
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	56(83)	37(54)	6(8)	13(21)	34(51)	0(0)	20(25)	0(2)	0(0)	2(5)
November	52(74)	34(46)	3(7)	15(21)	30(38)	3(1)	14(26)	0(0)	1(0)	4(9)
December	41(67)	30(41)	2(9)	9(17)	23(37)	0(2)	14(28)	2(0)	0(0)	2(0)
January	67(61)	47(47)	3(0)	14(17)	38(37)	1(1)	23(21)	2(1)	2(0)	1(6)
February	57(61)	38(47)	3(0)	16(14)	29(32)	2(1)	22(21)	2(1)	0(0)	2(6)
March	69(71)	42(46)	6(4)	21(21)	44(45)	0(2)	14(21)	2(1)	3(1)	6(1)
April	88(90)	39(58)	33(12)	16(20)	50(55)	0(1)	29(29)	2(1)	0(1)	3(7)
May	75(103)	28(56)	29(24)	18(23)	38(57)	5(3)	22(30)	2(2)	3(8)	5(3)
June	74(103)	39(56)	23(24)	12(23)	51(57)	0(3)	18(30)	2(2)	0(8)	3(3)
July	79(100)	51(61)	9(14)	19(25)	54(64)	2(2)	19(28)	1(1)	1(0)	2(5)
August	79(98)	55(70)	7(7)	17(21)	54(61)	1(0)	18(31)	0(2)	2(0)	4(5)
September	42(45)	26(31)	2(2)	14(12)	23(29)	2(0)	13(12)	0(2)	1(1)	3(1)

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '93)

1	2	3	4	5	6
8	5	2	6	7	14

## REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of September 1, 1994 through September 30, 1994, the following number of releases from underground storage tanks were identified.

21 (24)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1993.

## Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Titan Wheel International, Inc. French, Hecht Division, Walcott (6)	Wastewater	Pretreatment	Order/Penalty \$10,000	9/01/94
Burke Marketing Corporation, Nevada (5)	Wastewater	Pretreatment	Order/Penalty \$5,000	9/01/94
Wunschel Oil Co., Vernus Wunschel, Jaquelyn Wunschel, Mark Wunschel, Ida Grove (3)	Underground Tank	Insurance Violation	Order/Penalty \$6,400	9/01/94
Wunschel Oil Co., Vernus Wunschel, Jaquelyn Wunschel, Mark Wunschel, Ida Grove (3)	Underground Tank	Site Assessment	Order/Penalty \$10,000	9/01/94
Paul L. Dunkel, Delaware County (1)	Solid Waste	Illegal Disposal	Order/Penalty \$1,500	9/01/94
The Heights, Monticello (1)	Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Referred to AG \$670	9/19/94

Boomsma's Egg, Inc., Alden (2)	Air Quality	Construction Without Permit	Order/Penalty \$10,000	9/26/94
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Galt (2)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	9/26/94
DBM, Inc., Cedar Falls (1)	Air Quality	Construction Without Permit	Order/Penalty \$10,000	9/26/94
First United Methodist Church, Ft. Madison (6)	Air Quality	Asbestos	Order/Penalty \$10,000	9/26/94
Mike Murphy d/b/a Hawley Heating & Air Conditioning, Keokuk (6)	Air Quality	Asbestos	Order/Penalty \$10,000	9/26/94

Boomsma's Egg, Inc. Alden (2)	Wastewater	Construction Without Permit; Operation Without Permit	Order/Penalty \$2,500	9/27/94
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Galt (2)	Wastewater	Construction Without Permit; Operation Without Permit	Order/Penalty \$2,500	9/27/94 9/27/94
Ronald Sizemore and Mark Murphy, Eldora (2)	Underground Tank	Site Assessment	Order/Penalty \$3,200	9/27/94
Keith Owens and Howard Maurer, Wilton (6)	Underground Tank	Site Assessment	Order/Penalty \$3,100	9/27/94
James and Roxann Neneman d/b/a J & R Mini Mart, Inc., Council Bluffs (4)	Underground Tank	Site Assessment	Order/Penalty \$3,900	9/27/94

## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	4-22-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Kennedy Car Kleen (Fairfield)	WW	1,000	6-12-94
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	6-16-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	450	7-02-94
Giese Construction Co.; William Giese (Ft. Dodge)	UT	600	7-19-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Jack Thiel, Inc. (Remsen)	UT	300	7-26-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	3,500	8-01-94
McCarthy Homeowners Assn. (LeClaire)	WS	275	8-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Licht Trailer Court (Dubuque)	WS	275	8-22-94
Martin Subdivision (Iowa City)	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
John Morrell & Company (Sioux City)	WS	1,000	8-27-94
Pacific Junction, City of	WS	1,000	8-27-94
Plantation Village Mobile Home Park (Burlington)	WS	550	8-27-94
Birmingham, City of	WS	550	8-28-94
Dakota Mobile Home Park (Iowa City)	WS	550	8-28-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Eagle Lane Corporation (Blue Grass)	WS	275	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94

\*Payment Schedule



## Environmental Protection Commission Minutes

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Woodburn, City of	WS	550	8-25-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Ledges Water District (Boone)	WS	275	9-02-94
Verde Water Company-Table Mound #2-Well #1 (Dubuque)	WS	500	9-05-94
Midway Water & Lighting (Marion)	WS	550	9-08-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Twin View Heights (Solon)	WS	500	9-14-94
Kalo Well Company (Otho)	WS	110	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	900	9-19-94
Trout Valley 2nd Addition (Bettendorf)	WS	125	9-19-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
John Morrell and Company (Sioux City)	WS	1,000	9-25-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Rayburn Court for Mobile Homes (Mason City)	WS	375	9-29-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Craig Wood (Rudd)	AQ	1,500	10-11-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Fernald Water Supply (Nevada)	WS	200	10-15-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Western Hills Light and Water (Algona)	WS	100	10-24-94
Oxford, City of	WS	100	10-25-94
Suburban Utilities (Davenport)	WS	100	10-25-94
Western Hills Mobile Home Estates (Coralville)	WS	100	10-26-94
Ryan Construction Co. aka Ryan Companies (Cedar Rapids)	AQ	6,000	10-26-94
Pioneer, City of	WS	100	10-26-94
Haasco, Ltd. (Dyersville)	AQ	500	10-29-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Titan Wheel International, Inc. (Walcott)	WW	10,000	11-09-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
American Demolition Corp. of Iowa (Cedar Rapids)	AQ	6,000	-----
Edward Bodensteiner (Des Moines)	UT	3,200	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
A.J. DeCoster (Wright Co.)	WW	2,500	-----
Boomsma's, Inc. (Alden)	WW	2,500	-----
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000	-----
First United Methodist Church (Ft. Madison)	AQ	10,000	-----
DBM, Inc. (Cedar Falls)	WW	10,000	-----
A.J. DeCoster (Wright Co.)	AQ	1,000	-----
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000	-----
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200	-----
James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900	-----
Keith Owens and Howard Maurer (Wilton)	UT	3,100	-----
Waste Management & Design, Inc. (Webster City)	WW	7,200	1-10-95

TOTAL 100,845

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-06-93
Robert Bodwell (Winterset)	UT	300	7-07-93
Richard Newman (Des Moines Co.)	SW	500	11-01-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	4-04-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	1,000	6-18-94
The Heights (Monticello)	WS	670	6-23-94

TOTAL 24,563

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The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
Case Power and Equipment (Decorah)	WS	500
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
Midway Oil Co. (Indianola)	UT	300
Raven Corp. & Midway Oil Co. (Toledo)	UT	600
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	4,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000

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Lyle Lorensen (Garwin)	HC	4,000
Technical Asbestos Control, Inc. (Davenport)	AQ	1,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Solvay Animal Health, Inc. (Charles City)	AQ/SW	5,000
Iowa-Illinois Thermal Insulation; American Demolition Corp. (Cedar Rapids)	AQ	6,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	5,000
Sara Lee Corporation (New Hampton)	WW	10,000
Creston, City of	WW	1,000
Clarke County Sanitary Landfill	SW	10,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
Frontier Cooperative Herbs (Vinton)	AQ	5,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Pella Construction Co., Ltd. (Pella)	WW	10,000
Cotter Elementary School (Cotter)	WS	550
Dickens, City of	WS	550
Colesburg, City of	WS	550
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Lakewood Utilities (Ft. Dodge)	WS	550
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Pathway Christian School (Kalona)	WS	275
South High Point Well Assn. #2 (Iowa City)	WS	110
Louis Rich Company (Sigourney)	WS	500
Pleasant Creek Estates Assn. (Shellsburg)	WS	275
Kessler's Homeowners Assn. (Iowa City)	WS	275
Iowa City Regency Mobile Home Park (Iowa City)	WS	1,000
Woodburn, City of	WS	550
Cherry Hills Homeowners Assn. (Iowa City)	WS	275
Edinburgh Manor (Anamosa)	WS	200
Windy Ridge Well Assn. (Lisbon)	WS	110
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
Rolling Hills Mobile Home Park (Nevada)	WW	1,000
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
Rome, City of	WS	550
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
David Schultz (Clayton Co.)	WW	2,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Green Acres Mobile Home Village I (Evansdale)	WS	550
<b>TOTAL</b>		<b>329,976</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	2,500
Lloyds Mobile Home Park (Low Moor)	WS	110
Shermans Water & Road, Inc. (Decorah)	WS	275
Dubuque, City of (STIPULATED PENALTY)	WW	1,900
James William Smith (Graettinger)	UT	300
Creston Commercial Feeders, Inc. (Union Co.)	WW	1,000
Keswick, City of	WS	550
Webb, City of	WS	550
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
Linn Hollow Mobile Home Park (Washington)	WS	110
Forest Manor Subdivision (Bettendorf)	WS	100
Milligan Bros. Transport, Inc. (Des Moines)	UT	1,500
Hennings Farms Corp. (Benton Co.)	WW	2,000
Gloeckners Subdivision (Graf)	WS	100
Walnut Grove Water Company (Buffalo)	WS	275
Lake Okoboji United Methodist Camp (Spirit Lake)	WS	100
Carter Lake, City of	WS	1,848
McDowell Dam #2 (Lee Co.)	FP	250
*Phil McMains d/b/a MEDA (Moulton) (Paid in Full)	AQ	200
North Coralville Lake Manor (Solon)	WS	100
Louisa-Muscatine Community School (Letts)	WS	150
Nishna Valley Community School (Hastings)	WS	75
<b>TOTAL</b>		<b>15,993</b>

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## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 ATTORNEY GENERAL REFERRALS  
 October 1, 1994

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Achenbach, Mark Rockford (2)	Underground Tank	Site Assessment	Order	Referred Petition Filed	6/20/94 8/22/94
Advanced Technologies Corp. Cedar Falls (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Monticello (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
Ampel Corporation Des Moines (5)	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Trial Date	12/20/93 2/21/94 10/18/94
Bodwell, Robert Winterset (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	2/21/94 7/21/94
Brokaw, Ray d/b/a The Heights Monticello (1)	New Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Order/Penalty	Referred	9/19/94
Browns, Jay Murray (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	6/20/94 8/24/94
Buffalo Bill Estates Clinton Co. (6)	Drinking Water	Monitoring/Reporting MCL - Bacteria	Order/Penalty	Referred	8/15/94
Carlson, Don d/b/a Carlson Oil Co. Armstrong (3)	Updated Underground Tank	Site Assessment	Order/Penalty	Referred Consent Decree (\$1,000/Civil & Injunction	3/21/94 9/01/94
Carson Grain & Implement Co. Coggon (1)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/18/93 12/09/93
Chicago & Northwestern Transportation Co.  Blue Chip Enterprises  Hawkeye Land Company Iowa Falls (2)	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed Oral Arguments	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93 9/15/94
Cota Industries, Inc. Des Moines (5)	Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Des Moines, City of (5) v. IDNR	Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer	1/18/94 1/18/94 2/08/94
Dunton, Lloyd Iowa County (6)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Trial Date	6/15/92 3/04/93 10/19/94
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Economy Solar Corp. Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
Erwin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
Gies, William Gies Construction Co Ft. Dodge (2)	Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95
Hall, Dale Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	7/18/94 2/21/94 7/21/94
Halsne, Grant d/b/a Halsne, Inc. Decorah (1)	Underground Tank	Site Assessment	Order	Referred Petition Filed	10/18/93 12/06/93
Harrison County Board of Supervisors (4)	Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94
International Hydroform Pella (5)	Underground Tank	Remedial Action	Order	Referred Petition Filed	5/17/93 1/18/94
Jack Link Truck Line, Inc. Dyersville (1)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 1/07/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKinis Excavating & Grading v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase 1 Trial	3/12/91 5/01/91 3/26/92 9/01/93
McNear, Wilbur, Dennis Stoner, Jack & Betty Hawn (4)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	2/21/94
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rprtng Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Co-operative Elevator, Worth Co. Co-op Oil Amoco v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order	12/07/92 12/28/92 1/05/93 12/07/93 12/28/92 3/10/93 12/15/92 1/04/93 3/10/93

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Updated	Drinking Water	Mtrg/Rprtg. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed Consent Decree (\$2,000/Civil & Injunction) Motion to Vacate Judgment Motion Denied Consent Decree (\$1,000/Civil & Injunction)	6/15/92 3/05/93 2/04/94 2/16/94 2/28/94 8/30/94
Reed, Verna and Don; Andrea Silsby Union Co (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	6/20/94 8/10/94
Pruess, Harlan Cedar Co (6)		Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Saak, Louis d/b/a Saak Oil Co. Baxter (5)	Updated	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	3/21/94 9/08/94
Smith, Franklin; Smith Oil Company Mt Ayr (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	4/18/94 7/25/94
Soldat, Mark S Kossuth Co (2) vs IDNR	New	Wastewater	DNR Defendant	Defense	Suit Filed	9/16/94
Troutman, Jerry L. & Richard Van Buren Co (6)		Solid Waste	Illegal Disposal	Order	Referred Petition Filed	10/18/93 2/15/94
Waterloo, City of (1)		Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed Trial Date	11/15/93 12/30/93 3/13/95
Waterloo Community School District Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Yentes, Clifford Council Bluffs (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Trial Date	4/20/92 11/23/92 10/21/94
Young, David Sierp Oil Company Casey (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

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1-23-86	Oelwein Soil Service	Administrative Order	WM	-----	Hearing continued.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
6-08-89	Shaver Road Investments	Site Registry	HM	Murphy	Settlement proposed.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HM	Murphy	Settlement proposed.

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6-03-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court. Arguments - 9/15/94.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	8/94-Follow-up letter to city attorney regarding resolving appeal. 9/94 response from city attorney.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Negotiating before filing.
1-28-91	McDowell Dam #2	Administrative Order	FP	Clark	Settled.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Penalty paid. Resolved.

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5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Settled.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	8/94-New well almost complete. Letter to facility regarding resolution of appeal.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
3-30-92	White Consolidated Industries	Administrative Order	WW	Hansen	Penalty paid. Resolved.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	8/94-Letter regarding resolution of appeal. City agreed to close appeal.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WW	Murphy	Settlement proposed.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	8/26/94-Revised settlement offer received from City. 9/94 response to settlement offer.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.



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10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
11-13-92	Tracy Below	Administrative Order	WM	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WM	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WM	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indianola)	Administrative Order	UT	Wornson	Sent settlement letter. Response due 9/30/94.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty. Response due 9/30/94.
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	8/94-Revised settlement offer received from facility. 9/94 - Dept. response to settlement offer.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WM Operator Certification	WM	Hansen	Under review by EPD - letter drafted.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WM	Preziosi	Settlement reached pending submission of certain financial documents.
4/12/93	LeMars, City of	Administrative Order	WM	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/16/93	Phil McMains	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WM	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Negotiating before filing.
6/17/93	Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Proposed decision 8/3/94-appealed.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/23/93	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	ALJ decision granting default on appeal. EPC affirmed.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WM	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.

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7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	Valley Restaurant/Sierp Oit, Mary & Carl Wierp, and Robert Radford	Administrative Order	UT	Wornson	Hearing set for 12/13-14/94.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Negotiating before filing.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	Favorable ALJ decision received.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Negotiating before filing.
11/04/93	Silver City	Permit Conditions	WS	Clark	Negotiating before filing.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/17/93	Osceola, City of	Permit Conditions	WW	Hansen	Variance request by City regarding monitoring requirements. Under review by EPD.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures. 5/94 order issued to facility.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Settlement offer pending.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.

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1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/10/94	Lyle Lorensen	Administrative Order	UT	Wornson	Penalty settlement pending. Compliance complete.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Hearing held 9/13/94. Awaiting decision.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Wilbur Numelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Hearing rescheduled for 11/94. Settlement pending.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/02/94	Waste Mgmt. & Design, Inc.	Administrative Order	WW	Clark	Settlement close.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	SCR overdue. Letter sent. Penalty on appeal. Compliance initiated.
3/10/94	Solvay Animal Health, Inc.	Administrative Order	AQ/SW	Kennedy	Settlement pending.
3/15/94	Iowa-Illinois Thermal Insulation, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/16/94	Cedar Rapids, City of; Cedar Rapids YWCA	Administrative Order	AQ	Preziosi	Settled.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	SCR submitted. Negotiating penalty.
5/06/94	Creston Commercial Feeders	Administrative Order	WW	Clark	Penalty paid. Settled.
5/09/94	Sara Lee Corporation	Administrative Order	WW	Murphy	Negotiating before filing.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/10/94	Clarke County SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
5/11/94	Creston, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5/12/94	Burlington Basket Co.	Permit Denial	AQ	Preziosi	Settled.
5/19/94	New Hampton, City of	Administrative Order	WW	Murphy	Negotiating before filing.
5/23/94	Newton, City of; Leland C. Faidley; Robert & Lynn Van Maaren; Doyle Churchill; Lucille Loar; Melburn & Jayne Clymer	Permit Issuance	FP	Clark	Negotiating before filing.
5/27/94	Joseph L. Ranker ; Darl Hollingsworth	Administrative Order	UT	Wornson	Compliance initiated.

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6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	Negotiating before filing.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/10/94	Frontier Cooperative Herbs	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WW	Hansen	To be sent to DIA.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
6/28/94	Woodburn, City of	Administrative Order	WS	Hansen	Negotiating before filing..
6/29/94	Colesburg, City of	Administrative Order	WS	Hansen	Negotiating before filing.
7/01/94	Pella Construction Co.	Administrative Order	WW	Hansen	Negotiating before filing.
7/01/94	Louisa-Muscatine Community School District	Administrative Order	WS	Clark	Negotiating before filing.
7/05/94	Cotter Elementary School	Administrative Order	WS	Clark	Negotiating before filing.
7/05/94	Iowa City Regency MHP	Administrative Order	WS	Clark	Negotiating before filing.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	Negotiating before filing.
7/12/94	Woodlyn Hills	Administrative Order	WS	Hansen	Negotiating before filing.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/18/94	Silver City	Permit Conditions	WS	Hansen	8/16/94-Settlement offer to City.
7/19/94	Lakewood Utilities	Administrative Order	WS	Clark	Negotiating before filing.
7/20/94	Pathway Christian School	Administrative Order	WS	Clark	Negotiating before filing.
7/20/94	Pleasant Creek Estates	Administrative Order	WS	Hansen	Negotiating before filing.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	Negotiating before filing.
7/21/94	Green Acres MH Villa I	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Nishna Valley Schools	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	South High Point Well #2	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Louis Rich Co.	Administrative Order	WS	Hansen	8/30/94 settlement offer to facility.
7/25/94	Kessler's Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Riverview Estates	Administrative Order	WS	Hansen	Negotiating before filing.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Negotiating before filing.

## Environmental Protection Commission Minutes

October 1994

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 CONTESTED CASES  
 October 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8/09/94	Cherry Hills Subdivision	Administrative Order	WS	Clark	Negotiating before filing.
8/10/94	Edinburgh Manor	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Windy Ridge Well Assn.	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Compliance initiated.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Negotiating before filing.
8/22/94	Rolling Hills MHP	Administrative Order	WM	Hansen	Negotiating before filing.
8/29/94	Atlantic, City of	Administrative Order	WM	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	New case.
9/02/94	Crabtree Lake Resort	Administrative Order	WM	Hansen	Settlement meeting 10/19/94.
9/02/94	Jay Anderberg; Diane McKellip	Administrative Order	UT	Wornson	New case.
9/06/94	HEW, inc.	Administrative Order	AQ	Preziosi	New case.
9/09/94	American Coals Corp.	Administrative Order	SW/AQ	Kennedy	New case.
9/12/94	Rome Water Supply	Administrative Order	WS	Clark	New case.
9/12/94	Charles Morrison; Bill Hinion; Marie Hinman; Robert Bennett, et.al.	Permit Issuance	FP	Clark	New case.
9/15/94	David L. Schutz	Administrative Order	WM	Clark	New case.
9/15/94	Bankston	Administrative Order	WS	Hansen	New case.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	New case.
9/19/94	Burke Marketing Corp.	Administrative Order	WM	Hansen	New case.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SW/WM	Murphy	New case.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	New case.

**EPD CONTESTED CASE STATISTICS**  
October 1, 1994

Calendar Year	1985	1986	1987	1988	1989	1990	1991	1992	1993	TOTAL 85-93	1994
Orders Issued	100	173	263	223	270	300	366	385	160	2240	260
Orders Appealed	11 11%	30 17%	42 16%	42 19%	49 18%	66 22%	64 17%	92 24%	58 36%	454 20%	91 35%
Other Appeals	21 66%	19 39%	16 28%	18 30%	24 33%	25 27%	21 25%	19 17%	20 26%	183 29%	20 18%
Total Appeals	32	49	58	60	73	91	85	111	78	637	111
Resolved Informally	25 78%	36 73%	49 84%	47 78%	55 75%	63 69%	74 87%	82 74%	38 49%	469 74%	23 21%
Hearings	7 22%	12 25%	9 16%	12 20%	13 18%	19 21%	4 5%	6 5%	6 8%	88 14%	1 1%
EPC Appeals	2 6%	5 10%	6 10%	5 8%	9 12%	13 14%	1 1%	2 2%	4 5%	47 7%	- 0%
District Court	- 0%	- 0%	2 3%	4 7%	1 1%	3 3%	- 0%	1 1%	1 1%	12 2%	- 0%
Supreme Court	- 0%	- 0%	1 2%	3* 5%	1 1%	1 1%	- 0%	- 0%	- 0%	6 1%	- 0%
Pending	0 0%	1 2%	0 0%	2 3%	6 8%	14 15%	7 8%	24 22%	39 50%	93 15%	88 80%

\*One case, two appeals

Mr. Stokes reviewed the Rulemaking and Variance Reports for the Commission, and Mr. Murphy presented the Enforcement, Referral and Contested Case Reports. Mr. Murphy presented an overview of Contested Case Statistics spanning the last ten years along with an Administrative Appeal Flow Chart and distributed copies of same.

William Ehm asked about the Soldat case on the Referrals Report.

~~Mr. Murphy stated that the department issued a construction permit to a hog confinement operation in that case and the neighbors are disputing it and asking the court to revoke the permit.~~

<b>INFORMATIONAL ONLY</b>
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## **NOTICE OF INTENDED ACTION--CHAPTER 42, LABORATORY CERTIFICATION**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Director requests that the Commission give Notice of Intended Action for the enclosed amendments to Chapter 42 that implement certification of laboratories that conduct analyses for petroleum constituents from underground storage tanks pursuant to 567--Chapter 135. The certification of laboratories is provided for in Iowa Code 455B.113 and 114.

### **ENVIRONMENTAL PROTECTION COMMISSION[567]**

#### **Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.113, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 42, "Laboratory Certification." The proposed amendments add a certification procedure for laboratories performing analyses for petroleum constituents associated with the regulation of underground storage tanks under Chapter 567 IAC 135. The amendments also divide the chapter into three parts: general requirements, water supply laboratory certification and underground storage tank laboratory certification.

Any interested party may submit written comments to the attention of Paul Nelson, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319 or by FAX number 1-515-281-8895, no later than December 9, 1994.

There will be three public hearings on these proposed amendments on: Tuesday, November 29, 1994, at 10 a.m. in the Community Hall next to City Hall, Denison, Iowa; Wednesday, November 30, 1994 at 1 p.m. in the east half of the fifth floor conference room in the Wallace State Office Building, Des Moines, Iowa; and Thursday, December 1, 1994, at 10 a.m. in the Iowa City Public Library, 123 S. Linn St., Iowa City, Iowa.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.

These rules are intended to implement Iowa Code sections 455B.113 and 114.

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**ITEM 1.** Amend 567--Chapter 42 by inserting the following title before rule 42.1.

**PART A**

**GENERAL**

**ITEM 2.** Amend 567--Chapter 42 by inserting the following title before rule 42.2:

**PART B**

**WATER SUPPLY LABORATORY CERTIFICATION**

**ITEM 3.** Amend rule 42.1(3) by naming the first paragraph "a" and adding the following new paragraph "b."

b. The requirements of PART C of this chapter apply to all laboratories conducting underground storage tank analyses for petroleum constituents pursuant to 567--Chapter 135. Excluded from this certification process are the routine on-site monitoring analyses conducted by or for underground storage tank owners for leak detection or a non-regulatory purpose.

**ITEM 4.** Reserve 567--rules 42.5 to 42.25 as blank to allow space for possible rule changes in the future.

**ITEM 5.** Add the following new PART C to 567--Chapter 42.

**PART C**

**UNDERGROUND STORAGE TANK LABORATORY CERTIFICATION**

**567-42.26(455B)** *Application for Underground Storage Tank Laboratory Certification.*

**42.26(1)** *Application forms.*

a. Application for laboratory certification shall be made on forms provided by the Department and shall be accompanied by the fee specified in paragraph "b" of this subrule. The application for certification or renewal of certification shall be made at least 60 days prior to the date when certification or renewal is desired. The department may require submission of additional information necessary to evaluate the application. If the application is incomplete or deficient, evaluation of the application and lab appraisal will not be completed until such time as the applicant has supplied the missing information or corrected the deficiency.

b. Fees and Expenses. A nonrefundable fee for administration, completion of on-site laboratory surveys and assessments, and enforcement of the laboratory certification shall be paid with the certification application. Out-of-state laboratories will be responsible for paying the expenses of the



on-site visit. The department or its agent will bill the out-of-state laboratory directly for the expenses. Certification will not be issued until the expenses are paid.

(1) The fee for underground storage tank laboratory certification to perform analysis for OA-1 and OA-2 shall be \$1,200.

(2) Fees for analyses not covered by subparagraph (1) shall be \$300.

(3) The fee for certification shall not be reduced if an on-site assessment or survey is not performed.

(4) Reciprocal certification of out-of-state laboratories by Iowa and of Iowa by other states is encouraged. ~~However, where an out-of-state laboratory has received an on-site assessment within its own state, the fee for certification shall not be reduced if an on-site assessment or survey is not performed by Iowa.~~

(5) The laboratory certification fees shall be increased by \$300 per visit in those cases where multiple visits and multiple samples of unknown contaminants (for laboratory performance evaluations) are necessary.

**567-42.27(455B) *Procedure for Laboratory Certification.***

**42.27(1) *Implementation Process.*** All laboratories seeking certification shall provide a letter to the department requesting certification. The letter shall include a statement that the laboratory is capable of performing the OA-1 and OA-2 analyses in 567--135.10(3) and (4), and the intent to participate in blind performance evaluation testing using these methods.

a. Laboratories submitting a letter of intent to be certified by June 30, 1995 will be issued a temporary certification letter. The temporary certification will be effective until the laboratory is certified through the on-site visit process. No temporary certifications will be issued for applications received after June 30, 1995.

b. The department or its agent will schedule on-site visits for all laboratories submitting a letter of intent. The laboratory will have 30 days to complete an application and return it along with the fee to the department. The department will request a complete application from the laboratory 45 days prior to the on-site visit. Temporary certification will be removed and the on-site visit will not take place unless the application and fee are received.

c. Participation in a blind proficiency examination test using OA-1 and OA-2 laboratory methods must be initiated within 90 days of submitting the letter of intent to be certified. Blind proficiency examinations consist of analyzing product spiked samples in a particular matrix provided by the testing organization to determine if a laboratory's analytical results are within the acceptance range. An independent performance testing organization meeting the requirements in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Underground Storage Tank Program of the Iowa Department of Natural Resources" must be used. Passing the performance examination is required in order to receive final laboratory certification. Temporary certification will be removed if the laboratory fails to initiate the proficiency examination.

d. Certification of the University Hygienic Laboratory (UHL) is the responsibility of the UHL quality control officer. The quality control officer reports directly to the office of the director and operates independently of all areas generating data to ensure complete objectivity in the evaluation of laboratory operations. The quality control officer will schedule a biannual on-site inspection of the UHL and review proficiency results for acceptable performance. Inadequacies or unacceptable performance shall be reported by the quality control officer to the UHL for correction. The department shall be notified if corrective action is not taken.

**42.27(2) On-Site Surveys.** Upon application to the department by a laboratory requesting certification or re-certification, a representative of the director will contact the laboratory and a date will be established for an on-site survey. The criteria given in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Underground Storage Tank Program of the Iowa Department of Natural Resources" will be used during the on-site-survey to evaluate laboratory equipment, procedures, records, and personnel. Prior to the on-site survey the laboratory will be requested to complete a presurvey information form. The on-site survey requirements may be waived for out-of-state laboratories desiring certification where the resident state has a certification program equivalent to Iowa's, has conducted an on-site survey and a copy can be provided to the department.

**42.27(3) Letter of Certification.** If it is determined that the physical facilities and equipment of the laboratory meet the requirements set forth in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Underground Storage Tank Program of the Iowa Department of Natural Resources," September 1994, and the laboratory personnel have properly demonstrated proficiency with the procedures specified in the manual, the laboratory will be issued a letter of certification. The letter of certification will state the parameters, personnel and analytical procedures for which the laboratory is certified, and may contain such conditions as are deemed necessary by the department to assure that the laboratory is meeting all requirements of Chapter 42 and 567--rule 135.10.

**42.27(4) Period of validity.** Certification shall be valid for a period not to exceed two years from the date of issuance, except in the case of reciprocal certification of an out-of-state laboratory. Certification in this case shall be valid for a period equal to that of the resident state in which they perform analytical work, but not exceeding two years.

**42.27(5) Reporting requirements.** Certified laboratories must include the information required in 567--subrule 135.10(2) in their laboratory report.

**42.27(6) Performance Evaluation and Acceptance Limits.**

a. Achieve quantitative results on an annual proficiency examination samples that are within plus or minus 20 percent of the true value for individual compounds (i.e. benzene, ethyl benzene, toluene, xylene by OA-1) and plus or minus 40 per cent of the true value for multi-component materials (i.e. gasoline, diesel fuel, motor oil, etc. by either OA-1 or OA-2).

b. To receive approval to conduct analyses for the UST contaminants the laboratory shall:

(1) Analyze proficiency examination samples or equivalent samples provided by an independent proficiency organization meeting the requirements in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Underground Storage Tank Program of the Iowa Department of Natural Resources."

(2) Achieve quantitative results on the analyses that are within the above acceptance limits.

**567-42.27(7)(455B) Laboratory Recertification.** Laboratories shall be recertified every two years after initial certification. Applications for recertification must be received by the department, or postmarked, 60 days prior to the renewal date, on forms provided by the department. Applications shall be accompanied by the fee specified in paragraph 42.26(1)"b". To maintain laboratory certification, laboratories must meet the following requirements:

1. Laboratories must use the approved OA-1 and OA-2 methodology for all underground storage tank analyses to be submitted to the department;

2. Certified laboratories must satisfactorily analyze proficiency examination samples at least once annually by each method OA-1 and OA-2, including satisfactory analysis of benzene, toluene, ethyl-

benzene, and xylene by OA-1. Acceptance limits will be plus or minus 20 per cent of the true value for individual compounds and plus or minus 40 percent for multicomponent products. Results must be submitted to the University Hygienic Laboratory along with a statement of method used within 30 days of receipt from the supplier.

3. Laboratories must notify the department or the university hygienic Laboratory in writing within 30 days of major changes in personnel, equipment, laboratory facilities, or other major change which might impair analytical capability.

4. ~~Laboratories must agree to a periodic site inspection, normally every two years. However, an on-site inspection may be conducted more frequently if the laboratory undergoes a major change or fails a proficiency examination sample analysis, the department questions an aspect of data submitted which is not satisfactorily resolved.~~

**42.27(8) *Criteria and procedure for downgrading and revoking laboratory certification.***

a. Criteria for downgrading certification status to conditional. A laboratory may be downgraded to conditionally certified status for any of the following reasons:

1. Failure to analyze a performance examination sample annually within Iowa acceptance limits;
2. Failure to notify the department within 30 days of major changes which might impair analytical capability; or
3. Failure to satisfy the department that the laboratory is maintaining the required standard of quality based on a site survey.

b. Procedure for downgrading to conditionally certified status.

1. If a laboratory is subject to downgrading on the basis of paragraph "a," the department will notify the laboratory or owner in writing. The laboratory director will review the problems cited and, within 30 days of receipt of the letter, send a letter to the department specifying what corrective actions are being taken. The department will consider the adequacy of the response and notify the laboratory by mail of its certification status and may follow up to insure corrective actions have been taken.

2. If a laboratory failed to analyze a proficiency examination sample within acceptance limits, the department will not downgrade certification if the laboratory identifies and corrects the problem to the department's satisfaction within 30 days of being notified. On behalf of the department, the University (State) Hygienic Laboratory may send the laboratory another unknown sample containing the failed component if no cause was unequivocally found. If the laboratory fails to analyze this second unknown sample within acceptance limits, the department will downgrade the laboratory to conditional certification and notify the laboratory in writing.

3. Once the department notifies a laboratory, in writing, that it has been downgraded to "conditional certification," the laboratory must correct the problem within three months for procedural or administrative deficiency and six months for equipment deficiency. If the laboratory was downgraded because of a failure to analyze a proficiency examination sample within the acceptance limits, the laboratory must correct its problems and satisfactorily analyze another proficiency examination sample within two months of being notified.

c. Criteria for revoking certification status may include but is not limited to the following and the department retains the discretion to downgrade or revoke certification. Laboratory certification will be revoked for the following reasons:

1. For conditionally certified laboratories, failure to analyze a proficiency examination sample within Iowa acceptance limits;
2. Failure to satisfy the department that the laboratory has corrected deviations identified during the on-site evaluation within 3 months for a procedural or administrative deficiency or 6 months for an

equipment deficiency: Failure to satisfy the department that the laboratory is maintaining the required standard of quality based on a site survey;

3. Submission of a proficiency examination sample to another laboratory for analysis;

4. Falsification of data or other deceptive practices;

5. Failure to use required analytical methodology for underground storage tank analyses submitted to the department;

6. Failure to satisfy the department that the laboratory is maintaining the required standard of quality based on the site survey.

*d. Procedure for revoking certification.*

1. The department will notify the party of its intent to revoke certification by commencement of a contested case proceeding as provided in 561 IAC 7.5(2) and consistent with Iowa Code 17A.18.

2. Certification will be reinstated when the laboratory can demonstrate that all conditions of laboratory certification have been met through a new application for certification.

**567-42.28 to 42.38** Reserved.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

Mr. Stokes reviewed the rules and asked the Commission's approval to take to public hearing.

Brief discussion followed regarding reciprocal certification.

*Motion was made by Rozanne King to approve Notice of Intended Action--Chapter 42, Laboratory Certification. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Clark Yeager asked how many laboratories will be certified in Iowa.

Mr. Stokes stated that it is difficult to say, but currently there are 24 labs which have done analysis for tank cases. There are an additional 36 labs that do various parameters in the drinking water program and may possibly be interested in doing tank work.

Rozanne King asked if the department ever receives complaints from a person using these laboratories services.

Mr. Stokes responded that there have not been complaints from users, but occasionally staff review of an analysis does not jive with other information sent in and an investigation may find that a lab is not following appropriate procedures specified in the rules.

**PROPOSED RULE--CHAPTER 22, AIR CONSTRUCTION PERMITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a Notice of Intended Action which amends Chapter 22 by revising the list of exemptions to the air construction permit requirement, specifying that the department may limit hazardous air pollutant potentials to emit in construction permits so that some sources will not have to obtain operating permits, and providing for an air construction permit and air operating permit by rule for some spray booths.

The department worked with the Air Construction Permits Task Force, whose members represent varying interests, to review the air construction permitting process and develop improvements to the process. These rules were drafted as a result of the Task Force work.

This Notice is included in the agenda for the Commission's information.

**Environmental Protection Commission [567]  
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution", Iowa Administrative Code.

The list of exemptions from the requirement to obtain an air construction permit is amended.

The department is given the authority to limit a source's hazardous air pollutant potential to emit in the source's air construction permit so the source does not have to obtain an air operating permit.

A permit by rule for certain spray booths is added. If a facility meets the criteria set forth in the rule, the facility's spray booths will be deemed to be in compliance with the requirements to obtain air construction permits and air operating permits.

These rules may impact small business.

Any interested person may make written suggestions or comments on the proposed rules on or before \_\_\_\_\_. Written comments should be directed to Christine Spackman, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, FAX (515)281-8895.

A public hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_, at which time comments may be submitted orally or in writing.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are proposed.

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Item 1. Amend rule 567--22.1(2) by deleting the current 22.1(2) and replacing it with the following:

567--22.1(2) Exemptions. The provisions of this rule shall not apply to the following listed equipment or control equipment unless review of the equipment or control equipment is necessary to comply with rule 22.4(455B)(prevention of significant deterioration requirements), rule 22.5(455B)(special requirements for nonattainment areas), subrule 23.1(2)(new source performance standards), or subrule 23.1(3)(emission standards for hazardous air pollutants), in which case a permit must be obtained. If equipment is permitted under the provisions of rule 22.8, then no other exemptions shall apply to that equipment.

a. Fuel-burning equipment for indirect heating and reheating furnaces or cooling units using natural gas or liquefied petroleum gas with a capacity of less than ten million BTU per hour input.

b. Fuel-burning equipment for indirect heating or cooling with a capacity of less than one million BTU per hour input when burning coal, untreated wood or fuel oil. Used oils meeting the specification from 40 CFR 279.11 as amended through March 4, 1994 are acceptable fuels for this exemption.

c. Mobile internal combustion and jet engines, marine vessels and locomotives.

d. Equipment used for cultivating land, harvesting crops, or raising livestock other than anaerobic lagoons. This exemption is not applicable if the equipment is used to remove substances from grain which were applied to the grain by another person. This exemption is also not applicable to equipment used by a person to manufacture commercial feed, as defined in Iowa Code section 198.3, which is normally not fed to livestock, owned by the person or another person, in a feedlot, as defined in section 172D.1, subsection 6 or a confinement building owned or operated by that person and located in this state.

e. Incinerators with a rated refuse burning capacity of less than twenty five (25) pounds per hour.

f. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment.

g. Equipment or control equipment which reduces or eliminates all emission to the atmosphere. If a source does not have a construction permit and should have had one, this paragraph does not exempt the source from the requirement to obtain a construction permit. If a source wishes to obtain credit for reductions under the prevention of significant deterioration requirements, it must apply for a permit for the reduction prior to the time the reduction is made. If a construction permit has been previously issued for the equipment or control equipment, the conditions of the construction permit remain in effect. In order to use this exemption, the facility must comply with paragraph "s" below.

h. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless such equipment or control equipment also emits particulate matter, or any other air contaminant.

i. Construction, modification or alteration to equipment which will not significantly modify overall facility emissions:

"Significantly modify" in this content means an increase in emissions of more than:

1.0 lb/hr of any regulated air pollutant, except for those pollutants covered under the provisions of section 112 (g) of the CAAA of 1990. Further, the emission rate INCREASE must not exceed the values listed in Table I.

Table I

<u>Pollutant</u>	<u>Ton/year</u>
Lead	0.6
Asbestos	0.007
Beryllium	0.004
Vinyl Chloride	1
Fluorides	3

This exemption is ONLY applicable to vertical discharges with the exhaust stack height ten (10) or more feet above the highest building within fifty feet. If a construction permit has been previously issued for the equipment or control equipment, the conditions of the construction permit remain in effect. In order to use this exemption, the facility must comply with paragraph "s" below.

The department reserves the right to require proof that the National Ambient Air Quality Standards have not been violated by any change made when claiming this exemption to the air quality construction permit requirement. If the department finds, at any time after a change has been made pursuant to this exemption, evidence of violations of any of the department's rules, the department may require the source to submit to the department sufficient information to determine whether enforcement action should be taken. This information may include, but is not limited to, any information that would have been submitted in an application for a construction permit for any changes made by the source under this exemption, and air quality dispersion modelling.

j. Residential wood heaters, cookstoves, or fireplaces.

k. Asbestos demolition and renovation projects subject to 40 CFR 61.145.

l. The equipment in laboratories used exclusively for nonproduction chemical and

physical analyses.

m. Gasoline, diesel fuel or fuel oil storage tanks with a capacity of 1,000 gallons or less and an annual throughput less than 40,000 gallons.

n. Stack or vents to prevent escape of sewer gases through plumbing traps. Systems which include any industrial waste are not exempt.

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o. A non-production surface coating process that uses only hand-held aerosol spray cans.

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p. Brazing, soldering or welding equipment or portable cutting torches, except for the those industries in the major industrial groups of 10, 33, 34 and 50 (as described in the Standard Industrial Classification Manual, 1987), used for non-production activities.

q. Cooling and ventilating equipment: Comfort air conditioning not designed or used to remove air contaminants generated by, or released from specific units of equipment.

r. An internal combustion engine with a brake horsepower rating of less than 400 measured at the shaft. For the purposes of this exemption, the manufacturer's nameplate rating at full load shall be defined as the brake horsepower output at the shaft.

s. A facility claiming to be exempt under the provisions of "g" or "i" above shall provide to the Department at least 30 days in advance of the beginning of construction on the project, a written statement which shall include the following:

(1) a detailed emissions estimate accompanied by documentation of the basis for the emission estimate;

(2) a detailed description of each change being made;

(3) the name and location of the facility;

(4) the height of the emission point or stack and the height of the highest building within 50 feet;

(5) the date for beginning actual construction and the date that operation will begin after the changes are made;

(6) a list of the actual and potential emissions for the project for all regulated pollutants;

(7) a statement that the provisions of rules 22.4 and 22.5 do not apply;

(8) a statement that the accumulated emissions increases associated with each change under paragraph 22.1(2)"i," when totaled with other net emissions increases contemporaneous with the proposed change (occurring within five years before construction on the particular change commences) have not exceeded significant levels as defined in 40 CFR 52.21(b)(23) as amended through July 21, 1993, and have not exceeded the ambient air increments or ceiling pursuant to 40 CFR 52.21(c) and (d), respectively, as amended through July 21, 1993. This statement shall be accompanied by documentation for the basis of these statements.

(9) the written statement shall be notarized and shall contain certification by a responsible official (as defined in 567 IAC 22.100) of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.



Item 2. Add a new paragraph 567--22.3(6):

567--22.3(6) Limits on Hazardous Air Pollutants. The department may limit a source's hazardous air pollutant potential to emit, as defined at 567--22.100(455B), in the source's construction permit for the purpose of establishing federally enforceable limits on the source's hazardous air pollutant potential to emit so the source does not have to obtain an operating permit.

Item 3. Amend 567--22.1(1)(455B) as follows:

567-22.1(1) Permit required. Unless exempted in subrule 22.1(2), no person shall construct, install, reconstruct or alter any equipment, control equipment or anaerobic lagoon without first obtaining a construction permit, or conditional permit, or permit pursuant to 22.8(455B), or a permit required pursuant to 22.4(455B) and 22.5(455B) as required in this subrule. A permit shall be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary source.

Item 4. Add a new rule 567--22.8(455B) Permit By Rule for Spray Booths as follows:

567--22.8(455B) Permit by Rule for Spray Booths. Spray booths which comply with the requirements contained in this rule will be deemed to be in compliance with the requirements to obtain an air construction permit and an air operating permit. Spray booths which comply with this rule will be considered to have federally enforceable limits so that their potential emissions are less than the major source limits for regulated air pollutants and hazardous air pollutants as defined in 567--22.100(455B).

22.8(1) Definition. "Sprayed material" is material sprayed from spray equipment when used in the surface coating process in the spray booth, including but not limited to paint, solvents, and mixtures of paint and solvents.

22.8(2) Facilities which facility-wide spray one gallon per day or less of sprayed material are exempt from all requirements, except that they must submit the certification in 22.8(5) to the department and keep records of daily sprayed material use. The facility must keep the records of daily sprayed material use for eighteen months from the date to which the records apply.

22.8(3) Facilities which facility-wide spray more than one gallon per day but never more than three gallons per day are exempt from all requirements, except that they must submit the certification in 22.8(5) to the department, keep records of daily sprayed material use, and vent emissions from spray booths through a stack which is at least 22 feet tall, measured from ground level. The facility must keep the records of daily sprayed material use for eighteen months from the date to which the records apply.

22.8(4) Facilities which facility-wide spray more than three gallons per day must comply with all applicable statutes and rules.

22.8(5) Facilities which claim to be permitted by provisions of this rule must submit to the department a written statement as follows:

"I certify that the paint booth deemed permitted under the terms of rule 567 IAC 22.8 is in compliance with all applicable requirements of rule 567 IAC 22.8. This certification is based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

The certification must be signed by one of the following individuals.

a. For corporations, a principal executive officer of at least the level of vice-president, or a responsible official as defined at 567 IAC 22.100.

b. For partnerships, a general partner.

c. For sole proprietorships, the proprietor.

d. For municipal, state, county, or other public facilities, the principal executive officer or the ranking elected official.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

Mr. Stokes reviewed that about six months ago the Commission was approached in regard to the construction permit aspects of the air program. He noted that DNR staff served as technical advisors to a panel of industry representatives set up to review the rules on ways to improve and streamline the construction permitting process. He related that Bob Schuler chaired the panel and the proposed rules are a result of their work. He indicated that there will most likely be additional avenues to streamline the process but this is a very good first start. Mr. Stokes explained the rules in detail. He extended appreciation to the task force who worked on development of the rules and then introduced Bob Schuler.

### **Appointment - Bob Schuler**

Bob Schuler, Quantum Chemical, Clinton, addressed the Commission stating that the reason this issue came to the forefront earlier in the year was because of the enormous amount of effort that was being put forth by the regulated community as well as the departmental staff to issue permits. He related that it should not be a major effort to get a permit and noted that these rules will actually encourage compliance. Mr. Schuler named a number of the task force members and thanked all those who worked on the task force. He stated that the group started off with the objective of streamlining the permitting process and also to protect the ambient air quality and he feels the proposed rules will do that.

Brief discussion followed regarding eligibility for exemption.

On behalf of the Commission, Chairperson Siebenmann expressed appreciation to the staff and the task force for their collaborative efforts put forth in the development of the rules.

<b>INFORMATIONAL ONLY</b>
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## **FINAL RULE--CHAPTER 22, VOLUNTARY OPERATING PERMITS**

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Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

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The Commission will be asked to adopt the attached final rules which amend Chapter 22 of the air quality rules by establishing a voluntary operating permit program. Public hearings were held on May 24, 25, and 26, 1994. A public participation responsiveness summary is attached.

The voluntary permit program offers an alternative to the Title V operating permit program for small sources able to qualify under these rules.

At the September meeting there were three points raised. One was a request to reduce the number of copies of the permit to be kept by the permit holder to one. Paragraph 22.206(1)"h" was so modified. The second point was a reference to Subrule 22.206(3) in the public participation responsiveness summary when the rules in the agenda package did not include a Subrule 22.206(3). Rule 22.206 had been modified and renumbered. Subrule 22.206(3) is now Paragraph 22.206(1)"c." This has been noted in the responsiveness summary. The third point was a concern expressed by the representative of the Iowa Hospital Association regarding Paragraph 22.201(1)"a." As a result of communications with the Association that Paragraph has been clarified.

## **ENVIRONMENTAL PROTECTION COMMISSION [567]**

### **Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

These rules establish a voluntary operating permit program. This action is taken to provide an alternative to the Title V operating permit program for small sources able to qualify under these rules. Sources will be eligible for voluntary operating permits after demonstrating that the potential to emit of each regulated pollutant shall be limited to less than 100 tons per 12-month rolling period; that the actual emissions of each regulated pollutant, including fugitive emissions, have been and are predicted to be less than 100 tons per 12-month rolling period; and that the potential to emit of each regulated hazardous air pollutant shall be less than 10 tons per 12-month rolling period and the potential to emit of all regulated hazardous air pollutants shall be less than 25 tons per 12-month rolling period. The proposed rules include provisions for

eligibility requirements, permit application contents, action on applications, permit contents, and relation to construction permits.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 13, 1994, as **ARC 4750A**. Public hearings were held on May 24, 25, and 26, 1994.

In response to comments, rule 22.201 was changed to clearly state when sources are and are not eligible for voluntary permits. In response to EPA's comment the application shield in rule 22.202 was removed. Several commenters expressed concern about the November 15, 1994, application submission date. Subparagraph 22.203(1)"a"(1) was changed to allow for a March 1, 1995, application submission date. Subparagraph 22.203(2)"c"(9) was added in response to comments to address fugitive emissions in the permit application. Other changes were made to subrule 22.203(2) in response to comments to lessen the burden on permit applicants. In response to EPA's comments several provisions were added to rule 22.206 concerning the permit content. Also in response to another commenter paragraph 22.206(2)"f" was added to address emergency provisions. In response to EPA, changes were made to rule 22.207 to clarify the relationship of construction permits and voluntary operating permits. Also, in response to EPA, rule 22.208 was added which addresses suspension, termination, and revocation of voluntary operating permits.

Minor changes were made to subrule 22.201(1), 22.203(2), 22.205(1), 22.205(2) and rule 22.206.

These rules may impact small businesses.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are adopted.

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ITEM 1. Amend 567--Chapter 22 by adding the following new rules:

**567--22.200(455B) Definitions for voluntary operating permits.** For the purposes of rules 22.200(455B) to 22.207(455B), the definitions shall be the same as the definitions found at rule 22.100(455B).

**567--22.201(455B) Eligibility for voluntary operating permits.**

**22.201(1)** Except as provided in paragraphs 567--22.201(2) and 22.205(2), any person who owns or operates a major source otherwise required to obtain a Title V operating permit may instead obtain a voluntary operating permit following successful demonstration of the following:

a. That the potential to emit, as limited by the conditions of air quality permits obtained from the department, of each regulated air pollutant shall be limited to less than 100 tons per 12-month rolling period;

b. That the actual emissions of each regulated air pollutant have been and are predicted to be less than 100 tons per 12-month rolling period; and

c. That the potential to emit of each regulated hazardous air pollutant, including fugitive emissions, shall be less than 10 tons per 12-month rolling period and the potential to emit of all regulated hazardous air pollutants, including fugitive emissions, shall be less than 25 tons per 12-month rolling period; and

d. That the actual emissions of each regulated hazardous air pollutant, including fugitive emissions, have been and are predicted to be less than 10 tons per 12-month rolling period and the actual emissions of all regulated hazardous air pollutants, including fugitive emissions, have been and are predicted to be less than 25 tons per 12-month rolling period.

**22.201(2) Exceptions.**

a. Any affected source subject to the provisions of Title IV of the Act or any solid waste incinerator unit required to obtain a Title V operating permit under section 129(e) of the Act is not eligible for a voluntary operating permit.

b. Sources which are not major sources but subject to a standard or other requirement under 567--23.1(2) (standards of performance for new stationary sources) or section 111 of the Act; or 567--23.1(3) (emissions standards for hazardous air pollutants) or section 112 of the Act are eligible for a voluntary operating permit only until five years from April 20, 1994. These sources shall be required to obtain a Title V operating permit when the deferment period specified in subrule 567--22.101(2) has expired.

**567--22.202(455B) Requirement to have a Title V permit.** No source may operate after the time that it is required to submit a timely and complete application for an operating permit, except in compliance with a properly issued Title V operating permit or a properly issued voluntary operating permit.

**567--22.203(455B) Voluntary operating permit applications.**

**22.203(1) Duty to apply.** Any source which would qualify for a voluntary operating permit must apply for either a voluntary operating permit or a Title V operating permit. Any source determined not to be eligible for a voluntary operating permit shall be subject to enforcement action for operation without a Title V operating permit. For each source applying for a voluntary operating permit, the owner or operator or designated representative, where applicable, shall present or mail to the Air Quality Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, at least two copies of a timely and complete permit application in accordance with this rule.

a. Timely application. Each source applying for a voluntary operating permit shall submit an application:

- (1) By March 1, 1995, if the source is applying for an operating permit for the first time;
- (2) At least 6 months but not more than 12 months prior to the date of expiration if the application is for renewal;
- (3) Within 12 months of becoming subject to this rule for a new source or a source which would otherwise become subject to the Title V permit requirement after the effective date of this rule.

b. Complete application. To be deemed complete, an application must provide all information required pursuant to subrule 22.203(2).

c. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it

filled a complete application but prior to the issuance of a permit. Applicants who have filed a complete application shall have 30 days following notification by the department to file any amendments to the application.

d. Certification of truth, accuracy, and completeness. Any application form, report, or compliance certification submitted pursuant to these rules shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**22.203(2)** Standard application form and required information. To apply for a voluntary operating permit, applicants shall complete the Voluntary Operating Permit Application Form and supply all information required by the Filing Instructions. The information submitted must be sufficient to evaluate the source, its application, predicted actual emissions from the source, and the potential to emit of the source; and to determine all applicable requirements. The applicant shall submit the information called for by the application form for all emissions units, including those having insignificant activities according to the provisions of rules 22.102 and 22.103(455B). The standard application form and any attachments shall require that the following information be provided:

a. Identifying information, including company name and address (or plant or source name if different from the company name), owner's name and agent, and telephone number and names of plant site manager or contact;

b. A description of source processes and products (by two-digit Standard Industrial Classification Code);

c. The following emissions-related information shall be submitted to the department on the emissions inventory portion of the application:

(1) All emissions of any regulated air pollutants from each emissions unit and information sufficient to determine which requirements are applicable to the source;

(2) Emissions in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(3) The following information to the extent it is needed to determine or regulate emissions, including toxic emissions: fuels, fuel use, raw materials, production rates and operating schedules;

(4) Identification and description of air pollution control equipment;

(5) Identification and description of compliance monitoring devices or activities;

(6) Limitations on source operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants;

(7) Other information required by any applicable requirement; and

(8) Calculations on which the information in (1) to (7) above is based.

(9) Fugitive emissions sources shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

d. Requested permit conditions sufficient to limit the operation of the source according to the requirements of rule 22.201(455B).

e. Requirements for compliance certification. This shall include the following:

- (1) certification of compliance for the prior year with all applicable requirements with an exception for violations of subrule 22.1(1);
- (2) a list of the emission points, control equipment, and emission units in violation of subrule 22.1(1);
- (3) construction permit applications for emission points and associated equipment listed in subparagraph 22.203(2)"e"(2); and
- (4) compliance certification certified by a responsible official consistent with 22.203(1)"d".

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**567--22.204(455B) Voluntary operating permit fees.** Each source in compliance with a current voluntary operating permit shall be exempt from Title V operating permit fees.

**567--22.205(455B) Voluntary operating permit processing procedures.**

**22.205(1) Action on application.**

a. Completeness of applications. The department shall promptly provide notice to the applicant of whether the application is complete. Unless the permitting authority requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. If, while processing an application that has been determined to be complete, the permitting authority determines that additional information is necessary to evaluate or take formal action on that application, the permitting authority may request in writing such information and set a reasonable deadline for a response.

b. Public notice and public participation.

(1) The department shall provide public notice and an opportunity for public comment, including an opportunity for a hearing, before issuing or renewing a permit.

(2) Notice of the intended issuance or renewal of a permit shall be given by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice. The department shall also provide the administrator a copy of the notice. The department may use other means if necessary to ensure adequate notice to the affected public.

(3) The public notice shall include: identification of the source; name and address of the permittee; the activity or activities involved in the permit action; the air pollutants or contaminants to be emitted; a statement that a public hearing may be requested, or the time and place of any public hearing which has been set; the name, address, and telephone number of a department representative who may be contacted for further information; and the location of copies of the permit application and the proposed permit which are available for public inspection.

(4) At least 30 days shall be provided for public comment.

**22.205(2) Denial of voluntary operating permit applications.**

a. A voluntary operating permit application may be denied if:

(1) The director finds that a source is not in compliance with any applicable requirement except for subrule 22.1(1); or

(2) An applicant knowingly submits false information in a permit application.

(3) An applicant is unable to certify that the source was in compliance with all applicable requirements, except for subrule 22.1(1), for the year preceding the application.

b. Once agency action has occurred denying a voluntary operating permit, the source shall apply for a Title V operating permit. Any source determined not to be eligible for a voluntary operating permit shall be subject to enforcement action for operating without a Title V operating permit pursuant to rule 22.104.

**567--22.206(455B) Permit content.**

**22.206(1)** Each voluntary operating permit shall include all of the following provisions:

a. ~~The terms and conditions required for all sources authorized to operate under the permit;~~

b. Emission limitations and standards, including those operational requirements and limitations that ensure compliance with all applicable requirements at the time of the permit issuance;

c. A certified statement from the source that each emissions unit is in compliance;

d. Monitoring, record keeping, and reporting requirements to ensure compliance with the terms and conditions of the permit. These requirements shall ensure the use of consistent terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable emissions limitations, standards, and other requirements contained in the permit;

e. The requirement to submit the results of any required monitoring at intervals to be specified in the permit;

f. References to the authority for the term or condition;

g. A provision specifying permit duration as a fixed term not to exceed five years;

h. A statement that the voluntary operating permit is to be kept at the site of the source;

i. A statement that the permittee must comply with all conditions of the voluntary operating permit and that any permit noncompliance is grounds for enforcement action, for a permit termination or revocation, and for an immediate requirement to obtain a Title V operating permit;

j. A statement that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit;

k. A statement that the permit may be revoked or terminated for cause;

l. A statement that the permit does not convey any property rights of any sort, or any exclusive privilege;

m. A statement that the permittee shall furnish to the director, within a reasonable time, any information that the director may request in writing to determine whether cause exists for revoking or terminating the permit or to determine compliance with the permit; and that, upon request, the permittee also shall furnish to the director copies of records required by the permit to be kept.

**22.206(2)** The following shall apply to voluntary operating permits:

a. Fugitive emissions from a source shall be included in the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

b. Federally enforceable requirements.

(1) All terms and conditions in a voluntary operating permit, including any provisions designed to limit a source's potential to emit, are enforceable by the administrator and citizens under the Act.



(2) Notwithstanding paragraph "a" of this subrule, the director shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements.

c. All emission limitations, all controls, and all other requirements included in a voluntary permit shall be at least as stringent as any other applicable limitation or requirement in the state implementation plan or enforceable under the state implementation plan.

d. The director shall not issue a voluntary operating permit that waives any limitation or requirement contained in or issued pursuant to the state implementation plan or that is otherwise federally enforceable.

e. The limitations, controls, and requirements in a voluntary operating permit shall be permanent, quantifiable, and otherwise enforceable.

f. Emergency provisions. For the purposes of a voluntary operating permit, an "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

#### **567--22.207(455B) Relation to construction permits.**

**22.207(1)** Construction permits issued after the voluntary operating permit is issued. If the issuance of a construction permit acts to make the source no longer eligible for a voluntary operating permit, then the source shall, in accordance with subparagraph 22.105(1)"a"(6), not operate without a Title V operating permit, and the source shall be subject to enforcement action for operating without a Title V operating permit.

**22.207(2)** Relation of construction permits to voluntary operating permit renewal. At the time of renewal of a voluntary operating permit, the conditions of construction permits issued during the term of the voluntary operating permit shall be incorporated into the voluntary operating permit. Each application for renewal of a voluntary operating permit shall include a list of construction permits issued during the term of the voluntary operating permit and shall state the effect of each of these construction permits on the conditions of the voluntary operating permit. Applications for renewal shall be accompanied by copies of all construction permits issued during the term of the voluntary operating permit.

#### **567--22.208(455B) Suspension, termination, and revocation of voluntary operating permits.**

**22.208(1)** Permits may be terminated, modified, revoked or reissued for cause. The following examples shall be considered cause for the suspension, modification, revocation, or reissuance of a voluntary permit:

a. The director has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

b. The person applying for the permit failed to disclose a material fact required by the permit application form or the rules applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

c. The terms and conditions of the permit have been or are being violated.

d. The permittee has failed to pay an administrative, civil or criminal penalty for violations of the permit.

**22.208(2)** If the director suspends, terminates or revokes a voluntary permit under this rule, the notice of such action shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the action sought, and the proceeding shall in all other respects comply with the requirements of rule 561--7.16(17A, 455A).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

*Motion was made by Charlotte Mohr to remove Final Rule--Chapter 22, Voluntary Operating Permits from the table. Seconded by Rozanne King. Motion carried unanimously.*

**REMOVED FROM TABLE**

Mr. Stokes reminded the Commission that there is an appointment at 1:00 p.m. regarding a contested case appeal.

The Commission decided to delay this item until after the contested case appeal.

**ITEM DELAYED**

### **CONTESTED CASE DECISION APPEAL--SCHMITZ & FRIEDERS**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On May 25, 1993, the department issued Floodplain Development Permit FP93-95 to the Construction Services Bureau of IDNR. That action authorized the continued use, operation and maintenance of the Shimon Marsh Dam. That action was appealed by Lawrence Schmitz, Gerald A. Schmitz, Duane H. Schmitz, Vernon A. Schmitz, and Ruth Ann Frieders, and the matter proceeded to administrative hearing on May 20 and 31, 1994. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on August 3, 1994. The decision affirmed the issuance of the permit.

The Schmitz' and Ms. Frieders has appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy reviewed the history of this case involving the Shimon Marsh dam and the permit the department issued to the Construction Services Bureau for continued use of the dam structure. He related that adjacent property owners, the Schmitz's and Ruth Ann Frieders, appealed the permit and went through hearing and the ALJ ruled in favor of the department. Mr. Murphy noted there was to be a continuation of the appeal today but the parties have just agreed to the following condition which will resolve the appeal:

The proposed decision of the administrative law judge dated August 3, 1994, is hereby affirmed subject to the following condition: This permit decision should not be interpreted to prevent the owners of the Schmitz farm from making a claim against the DNR Fish & Wildlife Division for money damages or injunctive relief if the Schmitz farm drainage outlet tile constructed in 1989 fails to operate as an adequate drainage outlet.

He added that this agreement was reached by Mike Smith, Attorney General's Office, representing the Construction Services Bureau; Randall Clark, Legal Bureau, representing the Commission; and Warren Bush, counsel for the appellants.

Mr. Murphy explained that the appellants are concerned with future problems that may develop with the tile outlet, that the department will take care of it, and that the appellants will have recourse to force the department to handle it.

#### **Appointment - Warren Bush**

Warren Bush stated that there already have been problems in that 1993 was an exceptionally wet year and no one's tile was doing an adequate job then. He related that he feels the ALJ decision is acceptable with the additional language because there is need to have a normal year to determine whether the tile will do the job. He added that the additional language will protect everybody's interest in this case.

#### **Appointment - Mike Smith**

Mike Smith, Attorney General's Office, addressed the Commission noting that the intervenors proposed the additional language and he wanted to clarify that the managing division involved is the Fish and Wildlife Division. He explained that the Construction Services Bureau is part of the Administrative Services Division and they were the agent for the Fish & Wildlife Division. Mr. Smith stated that the Fish & Wildlife Division does not have any problem with fixing a

situation if it should recur, such as happened in 1993 where there were cottonwood trees which caused a problem. He noted that the F & W Division fixed the problem within ten days. He added that he does not want to cut off the right to argue this in the future.

*Motion was made by Charlotte Mohr to affirm the Administrative Law Judge decision with the additional proposed condition. Seconded by Verlon Britt. Motion carried unanimously.*

**ALJ DECISION UPHELD AS AMENDED**

Clark Yeager asked if this includes all successor owners.

Mr. Smith stated that his intent would be for successor owners. He added that he would not have a problem with adding the owners, successors, and assigns.

**FINAL RULE--CHAPTER 22, VOLUNTARY OPERATING PERMITS (CONTINUED)**

Mr. Stokes reviewed that this item has already been taken off the table. He recapped the reasons the Commission tabled the item last month and explained changes made as a result of those concerns. He noted that the Iowa Hospital Association did not submit rule language but they feel the clarified language would address their concerns.

**Appointment - Karen Hansen**

Karen Hansen, legal counsel for Iowa Hospital Association, stated that she received a letter from Christine Spackman with suggested language for the rules and it fits the needs of the Association.

*Motion was made by Terrance Townsend to approve Final Rule--Chapter 22, Voluntary Operating Permits. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**AIR OPERATING PERMIT FEES REVIEW**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided information relative to air operating permit fee options. This is in follow up to a request by the Commission stemming from a request by outside sources to revisit this issue.

Mr. Stokes distributed a packet of information to each Commissioner covering Pollutant Cap versus Facility Cap; chart showing Estimated Fees for Facilities Potentially Subject to Operating Permitting; chart listing Operating Permit Fees for Top 16 Facilities; chart showing Title V Fee Needed to Meet Budget under Various Fee Caps Compared to Current Fee; listing of Estimated Fee for Each Facility Under Various Fee Cap Scenarios; listing of Effective Fee Per Ton of Actual Pollutants Emitted Top 5% (23) Facilities and charts showing same; various fee cap scenarios; and a listing of estimated fee for each of the 23 facilities under various fee cap scenarios. He noted that this information was previously provided to the Commission several months ago. Mr. Stokes presented a thorough discussion of the fee charts/budget under various scenarios. He stipulated that he cannot provide a more refined budget until January after additional staff have been added and costs have been determined for additional office space.

Chairperson Siebenmann asked if the department, by Code, is not precluded from running large reserves. She added that as she understands it, the department is only authorized to fund the program up to the point of need and not have any reserves.

Mr. Stokes explained that the legislative language states that fees be generated necessary to run the program but it hopefully does not require a zero balance at year's end. He related that there should be some cash flow to roll forward because the fees do not come in until November or December and the first couple months of the program will need to be paid. He related that the Commission will have to decide how much is too much when establishing the fee structure. Mr. Stokes suggested the following three options for the Commission: 1) change the entire fee structure now which would be almost chaotic; 2) adopt a scenario of the installment plan for anyone who has to pay over \$100,000 whereby they will initially pay \$100,000 and then pay a second installment later; or 3) let the program roll the way it is and staff will account for any rollover from this year and the next year, and the Commission will adjust the fees accordingly.

William Ehm asked what has been sent to the affected industry.

Mr. Stokes stated that information, application forms and instructions on how to compute the fee was sent.

Clark Yeager asked which scenario was used in the information that was sent out.

Mr. Stokes replied that it was \$24/ton, per pollutant, up to 4,000 tons per pollutant which is currently in the rules.

Discussion followed regarding the budget for adding new employees to the air permitting program.

### **Appointment - Amy Couch**

Amy Couch, Sullivan and Ward, distributed copies of a paper she prepared for REC's and also gave to ABI, and noted that Jack Soener will speak for ABI. She emphasized that the REC

supports Iowa implementation of the air program. She noted that the law states that the DNR has authority to raise operating permit fees to cover the reasonable cost of running the Title V Operating Permit Program. Ms. Couch stated that one of the department's newsletters showed that emissions in Iowa, based on the 1993 Emissions Inventory Questionnaire, totaled 278,955 tons. She related that at \$24/ton it will raise about 6.7 million dollars. She noted that the department's budget submittal to EPA was based on 88.5 employees, and to get to that number 35-50 people would have to be hired. She related that the department has now decided to do ~~phased-in hiring and will hire only ten people during FY 95~~. She stressed that the department will not need 6.7 million dollars to add ten employees. Ms. Couch suggested that the department collect, from industry across-the-board, one-half of the operating permit fees in November with Part I of the application. She noted that this would provide 3.3 million dollars to implement the program, and then with better budget information in 1995 the department could request the other half of the fees with Part II of the application, if needed.

#### **Appointment - Jack Soener**

Jack Soener, Association of Business and Industry, stated that the Association has supported the state implementation and control of the delegation of Title V program. He related that some of the utilities do not support some of the concepts. He noted that with the phase-in hiring of employees for the program, the projected 6.7 million dollar budget amount is not needed at this time. Mr. Soener stated that he is merely asking for fiscal accountability by the department and Commission. He urged them to follow Ms. Couch's suggestion for partial payment in November, and then revisit the issue after January to determine future monetary needs. He noted that he is not asking for any change in the permit fee itself.

#### **Appointment - Jack Clark**

Jack Clark, Iowa Utility Association, stated that he made his comments during Public Participation but he would like to clarify that the companies have known what the fees were since 1990 when the law was passed. He noted that 18 months before the rules were sent to public notice the department established an advisory committee with representatives from five industries. He related that several times the committee tried to raise the issue of operating permit fees with staff and was told that the staff position was that they were going to go the presumptive route and it was not an open subject for discussion. Mr. Clark reviewed that he appeared before the Commission in February and at that time the Commission decided to go with an across-the-board fee reduction. He asked that if the Commission is going to look at the issue on the basis of affected fees, that they also look at it on the basis of affected costs. He added that he feels rather than doing another across-the-board cut without considering the equity issue is wrong, and he suggested imposing the cap on those facilities that would exceed an obligation for \$100,000 but not relieve the obligation until there is certainty of what funds are needed. He suggested that the balance of the obligation over \$100,000, or the portion that the Commission determines is necessary to operate the budget, should be collected in May 1995.

Mr. Stokes reiterated the following options the Commission could take: 1) those facilities obligated to more than \$100,000 pay only that amount in November and follow with a second installment later on; 2) As suggested by Ms. Couch a facility could pay half of their obligation in November and then pay the other half when Part II is submitted; and 3) the equity option. Mr. Stokes stressed that whatever route the Commission takes, staff will need to get notification out as soon as possible so the Commission needs to make a decision on which way to go.

William Ehm stated that there are two different issues, one being the \$24/ton, per pollutant cap and the other is the budget issue on what it will cost to run the program. He related that it would be difficult to agree on the first issue and on what is equitable. He reminded the Commission that when they previously discussed this item the decision was made to go with the \$24/ton, with a 4,000 ton per pollutant cap and to let that ride for one year before making any changes. He added that in terms of total dollars to fund the program he would prefer using an approach of scaling back the \$24 amount to a different level.

Discussion followed regarding the pay half now, half later scenario and what type of changes in the program would require rulemaking.

Director Wilson commented that the idea of paying half now and half at a later date is a reasonable middle ground. He related that the \$24/ton, per pollutant with a 4,000 ton cap combined with the pay-half-now option would work.

Mr. Murphy stated that to technically do it right, it would need to go to emergency rulemaking but can be administratively waived.

*Consensus of the Commission was to go with paying half in November and half, or less, in May 1994, using \$24/ton, per pollutant with a 4,000/ton cap. Additionally, the Commission asked staff to work this out administratively.*

#### COMMISSION APPROVED FEES SCALE AND PAYMENT PLAN

### REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. American Demolition Corp. of Iowa (Cedar Rapids) - air quality
- b. City of Montour - wastewater
- c. McCarty Homeowners Ass'n (LeClaire) - water supply
- d. Relative, Inc./Doug Smuck (Des Moines) - underground tanks
- e. Amoco Oil Company (Carroll) - underground tanks

### **City of Montour**

Mr. Murphy stated that staff will withdraw this referral as the city has submitted plans and a construction timetable which complies with the existing administrative order.

Tim O'Connor, originally scheduled to address this item, noted that he no longer wishes to speak to the item since request for referral is being withdrawn.

**REFERRAL WITHDRAWN**

### **American Demolition Corp. of Iowa**

Mr. Murphy briefed the Commission on the history of this case involving air quality violations.

*Motion was made by Clark Yeager for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

Brief discussion followed.

**REFERRED**

### **McCarty Homeowners Association**

Mr. Murphy briefed the Commission on this case involving failure to monitor for lead and copper and provide public notice of past deficiencies.

*Motion was made by Gary Priebe for referral to the Attorney General's Office. Seconded by Verlon Britt. Motion carried unanimously.*

Brief discussion followed regarding community and noncommunity water supplies.



**REFERRED****Relative, Inc./Doug Smuck**

Mr. Murphy briefed the Commission on the history of this case involving underground storage tank violations.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Clark Yeager.*

William Ehm asked if Doug Smuck could be held personally liable for what his corporation does.

Mr. Murphy answered affirmatively adding that in a corporation where an individual is making decisions they can be individually liable.

*Motion carried unanimously.*

**REFERRED****Amoco Oil Company**

Mr. Murphy stated that last Friday staff was contacted by Amoco's attorney and they requested a one month delay so they could study the case. He related that staff will withdraw the referral and bring it back to the Commission next month.

**REFERRAL WITHDRAWN****GENERAL DISCUSSION**

Chairperson Siebenmann reported that she attended a CHEEC seminar entitled "The Media's Role in Communicating Health Risks - What's in the Water." She also attended a seminar entitled "Safe Drinking Water - Iowa's Future." She expanded on details of the seminars.

**RoseBar**

Gary Priebe asked if there a time span before the state relinquishes claim to the money when a Landfill Alternative Grant recipient goes out of business. He added that RoseBar closed their doors a few days before the five year time limit was up.

Mr. Murphy stated that he does not think there is anything specific in the rules but the practice is to file a document to get a security interest.

Director Wilson commented that Teresa Hay assures in the case of a failed enterprise that the equipment belongs to the state.

Mr. Murphy stated that if another company takes over and continues the same type of business the department would approve of it.

Gary Priebe remarked that he does not think RoseBar should be able to sell the property and walk away with the money.

Director Wilson indicated that staff will check it out.

### **Don Grell**

Gary Priebe asked if Don Grell is getting a bureaucratic shuffle by the DNR.

Mr. Stokes stated that Mr. Grell has been told time and again that he needs permits and an approvable comprehensive plan. He related that the plan submitted by Mr. Grell was wholly inadequate and a permit cannot be issued without an approved comprehensive plan. Mr. Stokes noted that the Waste Management Assistance Division has a booklet to aid in filling out a plan.

Gary Priebe asked if he could have a copy of the booklet and Mr. Stokes indicated that staff will provide one for him.

Charlotte Mohr commented that she thought the department asked Mr. Grell to clean up his land.

Mr. Stokes stated that Mr. Grell has done a fair job of cleaning up materials he cannot store outside.

### **DOT Projects**

Chairperson Siebenmann asked about DOT using rubberized asphalt in some of their projects.

Mr. Stokes replied that staff continues to work with DOT on these types of projects.

### **Dick Bengtson**

Director Wilson asked staff for an explanation on the issue discussed by Dick Bengtson earlier in the day, dealing with Chapters 43 and 49 being rescinded.

Mr. Murphy stated that Chapter 49 has a separation distance of 1,000 feet between a lagoon and a private well. He related that Chapter 49 came to the DNR from the Health Department when the Department of Waste, Water, and Air Management was created and it has not been revised since then. The DNR has a rule in Chapter 64 that states there shall be 400 feet between a lagoon and a private well. He noted that there is a direct conflict between the two. Mr. Murphy also indicated that the counties issue the permits for private wells, and when Mr. Bengtson pointed out to the county that a particular well did not comply with the 1,000 foot separation distance, the county contacted the DNR. He related that what staff normally tell the counties is

that there is a conflict between the two chapters in the rules and they should submit information on the location of the lagoon and the well and how the well is constructed, and the department will then grant a variance.

Director Wilson stated that staff will follow up on the rules in regard to the differences in Chapters 43 and 49.

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### **Hog Confinements**

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Discussion took place regarding the comments heard during Public Participation relating to swine operations. Also discussed was the Governor's Task Force on Livestock Facilities and the fact that most of the complaints are with the odor problem.

### **Landfill Alternative Grants**

Discussion took place in regard to notification on award of grants simultaneously to recipients and the Commission.

Director Wilson stated that as soon as scoring is completed he will send the Commission a letter notifying them that specific grants have been awarded pending Commission approval. He related that this should alleviate the problems that have occurred in the past.

### **ADDRESS ITEMS FOR NEXT MEETING**

Section 319 Nonpoint Source Pollution Projects Report  
Legislative Packet

### **NEXT MEETING DATES**

November 21, 1994  
December 19, 1994  
January 17, 1995 (Tuesday)

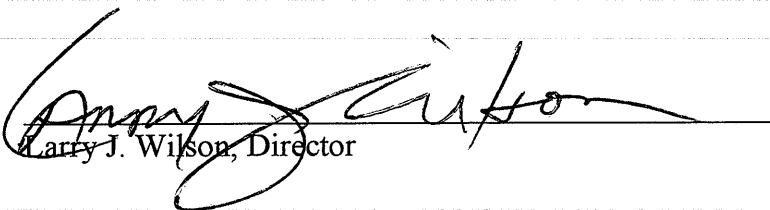
The Commission agreed to hold the EPC Legislative Breakfast on Wednesday, January 18, 1995.

### **ADJOURNMENT**

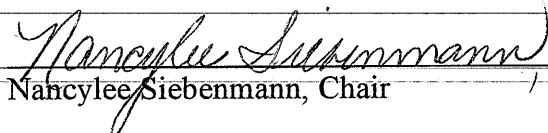
With no further business to come before the Environmental Protection Commission, Chairperson Siebenmann adjourned the meeting at 3:20 p.m., Monday, October 17, 1994.

October 1994

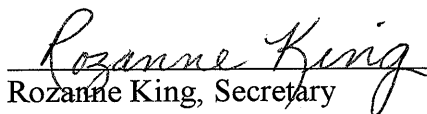
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Larry J. Wilson, Director



Nancy Lee Siebenmann, Chair



Rozanne King, Secretary

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